

1 Thomas A. Mesereau, Jr. (SBN 91182)
Susan C. Yu (SBN 195640)
2 COLLINS, MESEREAU, REDDOCK & YU
1875 Century Park East, 7th Floor
3 Los Angeles, CA 90067
Telephone: 310-284-3120
4 Facsimile: 310-284-3133

5 Robert M. Sanger (SBN 58214)
SANGER & SWYSEN
6 233 E. Carrillo Street, Suite C
Santa Barbara, California 93101
7 Telephone: 805-962-4887
Facsimile: 805-963-7311

8 Brian Oxman (SBN 072172)
9 Oxman & Jaroscak
14126 East Rosecrans
10 Santa Fe Springs, CA 90670
Telephone: 562-921-5058
11 Facsimile: 562-921-2298

12 Attorneys for Defendant
MICHAEL JOSEPH JACKSON

13
14
15 SUPERIOR COURT OF THE STATE OF CALIFORNIA
16 FOR THE COUNTY OF SANTA BARBARA
17 SANTA MARIA DIVISION

18 THE PEOPLE OF THE STATE OF CALIFORNIA,)

19 Plaintiff,)

20 vs.)

21 MICHAEL JOSEPH JACKSON)

22 Defendant.)

CASE NO. 1133603

MR. JACKSON'S MEMORANDUM OF
POINTS AND AUTHORITIES IN
SUPPORT OF MOTION TO DISMISS
AND MOTION TO PERMIT
BROADCAST RESPONSE

23 TIME: 8:30 a.m.

DATE: ~~MARCH 4, 2005~~

24 PLACE: ~~Department 502~~

25 ~~FILED UNDER SEAL~~

26
27
28
MR. JACKSON'S MOTION TO DISMISS AND MOTION TO PERMIT BROADCAST RESPONSE

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA BARBARA

FEB 23 2005

GARY M. BLAIR, Executive Officer

By Carrie L. Wagner
CARRIE L. WAGNER, Deputy Clerk

COPIED TO FILE 3/1/05

I.

INTRODUCTION

Mr. Michael Jackson submits this Memorandum in support of his Motion to Dismiss and Motion to Permit Broadcast Response. Mr. Jackson's motions are based on the following:

(1) The Court's modification of the January 23, 2004, Protective Order to permit Witness Martin Bashir to engage in an irrational and fraudulent attack on Mr. Jackson in several nationally broadcast television programs constituted an invidious discrimination against and destruction of Mr. Jackson's rights to a fair trial;

(2) Mr. Jackson sustained irreparable injury because the Court sanctioned and approved through the modification of its "gag order" a witness to attack Mr. Jackson while Mr. Jackson was forced to sit silent and "gagged" thereby creating the appearance of impropriety, favoritism, and a violation of civil rights that cannot be erased by any remedial efforts;

(3) The case against Mr. Jackson should be dismissed because the Court's modification of the Protective Order violated Mr. Jackson's rights to a fair trial, and Mr. Jackson should be permitted to respond in a national broadcast with equal time and under the same terms and conditions that Witness Bashir was permitted to defame Mr. Jackson.

A. Statement of the Case.1. Plaintiff's Complaint.

Plaintiff filed this action on December 18, 2003, charging Mr. Jackson with seven (7) counts of Lewd Acts Upon a Child in violation of Penal Code section 288a and two (2) counts of administering an intoxicant to a minor in violation of Penal Code section 222. The Complaint was based on interviews from three (3) complaining witnesses: Janet Arvizo, then age 35, who is the mother of the two (2) minor complaining witnesses, Gavin Arvizo, then age 14, and Star Arvizo, then age 13. The charges alleged Mr. Jackson manually masturbated Gavin Arvizo while he was unconscious and unable to recall any of the events from alcohol consumption, and he improperly touched Star Arvizo's leg over his clothes.¹¹

¹¹ Plaintiff abandoned the Complaint and obtained a Grand Jury indictment on April 26, 2004, that inexplicably changed the dates and claims, along with adding claims of a vast conspiracy to abduct, falsely imprison, and extort the complaining witness family.

1 Mr. Jackson voluntarily surrendered to the Santa Barbara Sheriff's Office on November 20, 2003,
2 and was arraigned on the original charges on January 16, 2004. On January 23, 2004, because of the
3 enormous amount of public attention the proceedings generated, the court entered a Protective Order
4 designed to limit out of court statements from parties and witnesses. The Order provided that no party or
5 any attorney, "nor any person subpoenaed or expected to testify in this matter," shall engaged in any of the
6 following acts:

7 "1. Release or authorize the release for public dissemination or any purported extrajudicial
8 statement of either the defendant or witnesses relating to this case;

9 "2. Release or authorize the release of any documents, exhibits, photographs, or any
10 evidence, the admissibility of which may have to be determined by the Court;

11 "3. Make any statement for public dissemination as to the existence or possible existence of
12 any document, exhibit, photograph or any other evidence, the admissibility of which may have to be
13 determined by the Court;

14 "4. Express outside of court an opinion or make any comment for public dissemination as to
15 the weight, value, or effect of any evidence as tending to establish guilt or innocence;

16 "5. Make any statement outside of court as to the content, nature, substance, or effect of any
17 statements or testimony that have been given, or is expected to be given, in any proceeding in or
18 relating to this matter;

19 "6. Issue any statement as to the identity of any prospective witness, or the witness's
20 probable testimony, or the effect thereof;

21 "7. Make any out-of-court statement as to the nature, source, or effect of any purported
22 evidence alleged to have been accumulated as a result of the investigation of this matter." (Exhibit
23 "A").

24 2. The Court modified the Protective Order for Witness Bashir without cause.

25 On January 28, 2005, Witness Martin Bashir filed a Motion for Protective Order Precluding Martin
26 Bashir from Being Required to Testify and for Clarification that "Gag" Order Does not Apply to Martin
27 Bashir. Witness Bashir was the broadcast journalist who had fraudulently induced Mr. Jackson to make a
28 television program with him entitled "Living with Michael Jackson" which was broadcast in England on

1 February 3, 2003, and the U.S. on February 7, 2003, and resulted in an international commotion over the
2 commentary and manner in which he edited the material in the program to defame Mr. Jackson. That
3 program formed the basis for the prosecution of this case because plaintiff claims the broadcast motivated
4 the crimes in question. Witness Bashir, who was subpoenaed by the prosecution on January 28, 2005,
5 requested the Court exempt him from the "gag order" so that he could broadcast comments about Mr.
6 Jackson similar to his prior broadcast that ignited the international controversy.

7 On February 8, 2005, the Court entered a Minute Order dated January 28, 2005, (Exhibit "B,"
8 which modified the January 23, 2004, Protective Order for Witness Bashir, and only for Witness Bashir.
9 Without making any findings, the Court stated:

10 "Attorneys Boutrous, Sneddon and Mescreau addressed the Court re: Motion for Protective
11 Order Precluding Martin Bashir from Being Required to Testify and for Clarification that "Gag"
12 Order Does Not apply to Martin Bashir. The Court denied the requested protective order re: the
13 Bashir subpoena. The Court further ordered that the intent of the "Gag" Order is that Mr. Bashir,
14 along with other witnesses, would not identify the minors involved and would not disclose through
15 the media evidence of the charges known to him by personal observation; that so long as the order
16 remains in effect Mr. Bashir will be bound by these restrictions, but he is not prevented from
17 reporting or giving commentary to the same extent that a non-witness journalist could." (Minute
18 Order, p. 5, par. 7)(emphasis added).

19 The exemption permitting Witness Bashir to make comments as a non-witness on the case created a
20 discrimination against Mr. Jackson that violated his fundamental rights to a fair trial. The court permitted
21 Witness Bashir, above any other witness, including other witness journalists such as Larry King, Rita
22 Cosby, and Ed Bradley, to be exempt from the court's Protective Order and to engage in a unprovoked,
23 nationally broadcast attack against Mr. Jackson the same as if he were a non-witness. The result was a
24 vicious and fraudulent attack on Mr. Jackson two (2) network television broadcasts from Witness Bashir
25 that have destroyed Mr. Jackson's right to a fair trial while Mr. Jackson is helpless to respond under the
26 constraints of the Court's "gag order."

27 ////

28 ////

1 **3. The Court's discrimination against Mr. Jackson was inexcusable.**

2 The invidious discrimination created by permitting Witness Bashir to attack Mr. Jackson in public,
3 but simultaneously preventing Mr. Jackson from exercising his First Amendment rights to respond, has so
4 violated Mr. Jackson's personal liberties that the damage is irreparable. The Court approved assault on Mr.
5 Jackson was unlike any prior incident in the history of American law or journalism. No court has ever
6 permitted, by modifying a "gag order," a witness to engage in such a vicious and vindictive nationwide
7 broadcast against a party to a proceeding before it, and the appearance of impropriety created by the Court's
8 modification of the "gag order" to permit Witness Bashir's attack will live in infamy.

9 On February 11, 2005, and again on February 17, 2005, Witness Bashir engaged in more than two
10 and one-half (2 1/2) hours of major network programming where witness were paid to attack Michael
11 Jackson. (The 2-11-05 ABC 20/20 program transcript is attached as Exhibit "C" and the 2-17-05 ABC
12 Primetime transcript is Exhibit "D"). Witness Bashir said that Michael Jackson was a pedophile, that he
13 groomed little boys for seduction, that he masturbated over the telephone with little boys, that he supplied
14 little boys with alcohol before he masturbated them, and that he orally copulated little boys. There was no
15 evidence whatsoever to support any of Witness Bashir's bought and paid for claims, and all of this was
16 done with the permission of the Court pursuant to a special modification of the "gag order" so that Witness
17 Bashir could now act like a non-witness.

18 To the public, and especially to Mr. Jackson, it appeared the Court approved of what Witness Bashir
19 did because he could not have done it without the Court's help. The damage here is irreversible, and Mr.
20 Jackson sits before this Court helpless to respond, restrained by a "gag order" because he is a witness, while
21 Witness Bashir is permitted to act "to the same extent that a non-witness journalist could." The Court has
22 violated Mr. Jackson's most fundamental rights to freedom of speech and a fair trial, while the Court has
23 granted an exemption for a journalist bent on fraudulently destroying Mr. Jackson.

24 **4. Mr. Jackson sustained irreparable injury.**

25 The devastating impact of the Court permitting and sanctioning Witness Bashir to try this case in
26 the press cannot be overstated. Sheppard v. Maxwell, 384 U.S. 333, 358 & n. 11 (1966). There was no
27 excuse nor justification to permit a witness in the case to comment on the case as a non-witness, and the
28 Court's modification of the "gag order" has irreversibly destroyed Mr. Jackson's rights to a fair trial.

1 The Court confirmed the modification and emboldened Witness Bashir when on February 14, 2005,
2 Mr. Jackson submitted a request that an Order to Show Cause re: Contempt be issued against Witness
3 Bashir for his broadcast of February 11, 2005 (Exhibit "E"). In that broadcast Witness Bashir claimed Mr.
4 Jackson had engaged in grooming a subpoenaed witness, Corey Feldman, for molestation, and Witness
5 Bashir's comments unquestionably violated the January 23, 2004, Protective Order. However, the Court
6 denied Mr. Jackson's request and refused to issue the Order to Show Cause (Exhibit "F"), and it was now
7 unambiguous that Witness Bashir was exempt from the prohibitions of the "gag order," so he proceeded to
8 broadcast on February 17, 2005, a nationwide diatribe of false accusations through paid witnesses, some of
9 whom were under subpoena to this Court and have been served with the "gag order" in this case,
10 commenting on this case, and accusing Mr. Jackson of conduct related to this case.

11 Plaintiff has come before this Court making the claim that the first time Witness Bashir engaged in
12 a defamatory and false documentary against Mr. Jackson on February 3 and 6, 2003, it so threatened Mr.
13 Jackson's livelihood, well-being, and career with an adverse public reaction that he had to engage in child
14 molestation and a vast conspiracy to abduct, falsely imprison, and extort a family. In fact, this claim
15 comprises the entire foundation of plaintiff's case against Mr. Jackson. While the logic of the claim is
16 absurd and the truth is contrary, there is no denying the fact that Witness Bashir has made it his sole pursuit
17 in life to perpetrate false and salacious reports against Mr. Jackson that create a public furor, and the Court
18 permitted him to do it.

19 5. Mr. Jackson requests the case be dismissed and he be permitted to respond in
20 public with equal time.

21 Mr. Jackson requests the Court dismiss the charges. He cannot get a fair trial in view of the Court
22 authorizing a witness to make two (2) nationwide television broadcasts accusing Mr. Jackson of vile acts of
23 molestation. There is no other remedy to the damage inflicted, and the prejudice can never be repaired.

24 Mr. Jackson requests the right to respond in-kind with two and one-half (2 1/2) hours of nationwide
25 broadcast time to refute point-by-point each of the absurd claims Witness Bashir made against Mr. Jackson.
26 The thought that this Court would permit a witness to try the case in public, while at the same time
27 precluding Mr. Jackson from responding, violates fundamental fairness. The Court should permit Mr.
28 Jackson the right to respond under the identical terms and conditions granted to Witness Bashir which was:

1 'that the intent of the 'Gag' Order is that [Mr. Jackson], along with other witnesses, would not
2 identify the minors involved and would not disclose through the media evidence on the charges
3 known to him by personal observation; that as long as the order remains in effect, [Mr. Jackson] will
4 be bound by these restrictions, but he is not prevented from reporting or giving commentary to the
5 same extent that a non-witness journalist could."

6 Mr. Jackson has received significant offers from television networks to produce and appear in
7 television programs that respond to Witness Bashir. Mr. Jackson has a right to earn a living, engage in his
8 chosen profession, and to respond to the attacks against him. Mr. Jackson needs to generate income
9 because of the enormous costs placed upon him by this prosecution, and unless he is permitted to generate
10 income from a televised response to Witness Bashir, the court will deprive Mr. Jackson of his right to earn
11 a living, along with his ability to defend himself in this case.

12 **B. Basis for Motion to Dismiss and Motion to Permit Televised Response.**

13 The Court's modification of the January 23, 2004, Protective Order to permit Witness Martin Bashir
14 to engage in an irrational and fraudulent attack on Mr. Jackson in several nationally broadcast television
15 programs constituted an invidious discrimination against and destruction of Mr. Jackson's right to a fair
16 trial. Mr. Jackson sustained irreparable injury because the Court sanctioned and approved through the
17 modification of its "gag order" a witness to attack Mr. Jackson while Mr. Jackson was forced to sit silent
18 and "gaged" thereby creating the appearance of impropriety, favoritism, and a violation of civil rights that
19 cannot be erased by any remedial efforts. The case against Mr. Jackson should be dismissed because the
20 Court's modification of the Protective Order violated Mr. Jackson's rights to a fair trial, and Mr. Jackson
21 should be permitted to respond in a national broadcast with equal time and under the same terms and
22 conditions that Witness Bashir was permitted to defame Mr. Jackson.

23 **II.**

24 **THE COURT'S MODIFICATION OF THE JANUARY 23, 2004, PROTECTIVE ORDER**
25 **VIOLATED MR. JACKSON'S RIGHTS TO A FAIR TRIAL**

26 **A. The Case Against Mr. Jackson Should be Dismissed.**

27 **1. Gag Order was modified into an invidious discrimination against Mr. Jackson.**
28

1 By granting Witness Bashir an exemption from the "gag order" so that he could pay witnesses to
2 give interviews and defame Mr. Jackson in two (2) nationwide television broadcasts, the Court has
3 permitted the case to be tried in the press. The Court has created an appearance of favoritism to an adverse
4 witness which no objective observer can ignore, and neither the First Amendment to the U.S. Constitution,
5 the Sixth Amendment, nor Article I section 2 of the California Constitution permit the court to grant
6 Witness Bashir the right try the case in the press. When the Court engaged in such discriminatory actions,
7 the damage to Mr. Jackson was not only enormous, but also irreversible.

8 In Boulas v. Superior Court, 188 Cal. App. 3d 422, 430 (1989), the court stated:

9 "When conduct on the part of the authorities is so outrageous as to interfere with an
10 accused's right of due process of law, proceedings against the accused are thereby rendered
11 improper. (Rochin v. California (1952) 342 U.S. 165, 172; United States v. Bogart (9th Cir. 1986)
12 783 F.2d 1428, 1433; People v. McIntire (1979) 23 Cal. 742, 748, fn. 1; People v. Harris (1985) 165
13 Cal.App.3d 324, 331-332; People v. Peppers (1983) 140 Cal.App.3d 677, 685-686.) Dismissal is,
14 on occasion, used by courts to discourage flagrant and shocking misconduct by overzealous
15 governmental officials in subsequent cases. (Barber v. Municipal Court, supra, 24 Cal.3d at pp. 759-
16 760; People v. Moore, supra, 57 Cal.App.3d at p. 442.)"

17 Gag orders on trial participants are unconstitutional unless (1) the speech sought to be restrained
18 poses a clear and present danger or serious and imminent threat to a protected competing interest, (2) the
19 order is narrowly tailored to protect that interest, and (3) no less restrictive alternatives are available.
20 Hurvitz v. Hoefflin, 84 Cal. App. 4th 1232, 1241 (2000). By creating one "gag order" for one class of
21 witnesses, but another "gag order" for other witnesses, the Court in Mr. Jackson's case not only failed in
22 the second and third prongs of the test, but also engaged in flagrant misconduct. Maggi v. Superior Court,
23 119 Cal. App. 4th 1218, 1225 (2004) The "gag order," which is now riddled with exemptions, is neither
24 narrowly tailored to protect constitutional interests, nor the least restrictive alternative. Instead, it
25 establishes an invidious discrimination that irrationally differentiates between Mr. Jackson and an
26
27
28

1 unscrupulous witness who has attacked Mr. Jackson in blatantly false national television programs, all with
2 the court's permission.²¹

3 **2. Dismissal is the only appropriate remedy.**

4 The worst part of the problem is that the Court let Witness Bashir do it. The court had it within its
5 power to stop the witness who was under its jurisdiction by refusing to grant an exemption, and instead of
6 exercising equal justice for all who come before the Court, the Court engaged in an irrational exemption of
7 one witness over another so that Witness Bashir could take the court's "approval" of his conduct and
8 destroy Mr. Jackson in the press through a vicious and false attack.

9 Under Penal Code section 1385, the defense may invite the court to consider dismissing a case on
10 its own motion. People v. Superior Court, 214 Cal. App. 3d 1278, 137 (1989). The Court may dismiss an
11 action when it appears the defendant cannot receive a fair trial or that the interests of justice require
12 dismissal. People v. Ritchie, 17 Cal. App. 3d 1089, 1104 (1971). In determining whether to dismiss in the
13 interests of justice, the court should consider "the constitutional rights of the defendant, the interests of
14 society represented by the People," and "[a]t the very least, the reason for dismissal must be 'that which
15 would motivate a reasonable judge.'" People v. Orin, 13 Cal. 3d 937, 945 (1975). See People v. Hatch, 22
16 Cal. 4th 260, 273 (2000)(grounds for dismissal under section 1385 are quite broad and permits dismissal
17 under a variety of circumstances); People v. Superior Court, 69 Ca. 2d 491, 501 (1968)(court may dismiss
18 over prosecutor's objection); People v. Johnson, 247 Cal. App. 2d 331, 333 (1966)(dismissal in furtherance
19 of justice is within the court's exclusive discretion); Boulas v. Superior Court, 188 Cal. App. 3d 422, 430
20 (1986)(dismissal is appropriate where the state interferes with a defendant's constitutional rights).

21 Not only the jury, but also the world, looks at the Court and realizes the Court gave special
22 permission to a vindictive witness to engage in a vicious attack against Mr. Jackson. The Court is
23 irreversibly tainted with the appearance of impropriety, favoritism, and prejudice against Mr. Jackson.
24 People v. Truer, 168 Cal. App. 3d 437, 443 (1985)(sanction of dismissal is required in particularly

26 ²¹ The courts have had no difficulty approving gag orders that uniformly restrain all trial participants
27 in an equal manner from disseminating their testimony and evidence outside of the courtroom. San Jose
28 Mercury News, Inc. v. Criminal Grand Jury, 112 Cal. App. 4th 410, 116 (2004). However, where the orders
are not narrowly tailored to achieve their purpose or unequally applied, gag orders do not pass constitutional
scrutiny. Saline v. Superior Court, 100 Cal. App. 4th 909, 915 (2002).

egregious cases). Mr. Jackson cannot receive a fair trial, and Mr. Jackson requests the court to exercise its discretion and on its own motion to dismiss the case under Penal Code section 1385.^{3'}

3. The burden is on the prosecution to show the absence of prejudice.

The reactions to the Bashir programs of February 11, and 17, 2005 have been enormous. Witness Bashir continues to utilize his new found endorsement from the Court to appear on every television program available to attack and defame Mr. Jackson. The prejudice to Mr. Jackson is not only presumed, but also undeniably enormous.

In Morrow v. Superior Court, 30 Cal. App. 4th 1252, 1258 (1994), the court stated:

"Where ... [as here] the state has engaged in misconduct, the burden falls upon the People to prove, by a preponderance of the evidence, that sanctions are not warranted because the defendant was not prejudiced by the misconduct [Citations.]" (People v. Zapien, *supra*, 4 Cal.4th 929, 967; *see also Nix v. Williams* (1984) 467 U.S. 431, 444; People v. Herring (1993) 20 Cal.App.4th 1066, 1077.) Although not expressly so stated in Zapien, *supra*, the People also have the burden to show that there was no substantial threat of demonstrable prejudice. (See, post, pp. 1260-1261.) Here the People did not meet that burden."

The court continued:

"The power of a court to dismiss a criminal case for outrageous conduct arises from the due process clause of the United States Constitution. (Rochin v. California (1952) 342 U.S. 165, 168; People v. McIntire (1979) 23 Cal.3d 742, 748, fn. 1; People v. Wesley (1990) 224 Cal.App.3d 1130, 1141-1142.) "When conduct on the part of authorities is so outrageous as to interfere with an accused's right of due process of law, proceedings against the accused are thereby rendered improper. [Citations.]" (Boulas v. Superior Court, *supra*, 188 Cal.App.3d at p. 429.)" *Id.* at 1259-60.

^{3'} Other possible corrective measures could be to preclude Witness Bashir from testifying. However, that won't work because it does not change the special considerations shown to an individual bent on destroying Mr. Jackson, and Mr. Jackson will need to call the witness before the court to expose his fraud. Another remedy might be to preclude the playing of the February 3, 2003, "Living With Michael Jackson" program during trial. However, that will not solve the problem because the favoritism to a vindictive witness by the Court is neither erased nor touched upon by such poor efforts.

1 The "gag order" with its exceptions and modifications constitutes an invidious discrimination
2 against Mr. Jackson, and it is the product of outrageous government conduct that promoted one witness
3 who defamed Mr. Jackson in public while silencing Mr. Jackson. The injury to Mr. Jackson's right to a fair
4 trial, freedom of speech, and freedom from discrimination has been devastating, and no amount of cure will
5 eliminate from the public the fact the Court favored a witness who proceed to vilify Mr. Jackson in the
6 press. The only remedy for the invidious discrimination against Mr. Jackson and the destruction of his
7 right to a fair trial is to dismiss this proceeding for outrageous conduct.

8 **B. The Discrimination and Favoritism toward Witness Bashir was Irrational and**
9 **Destroyed Mr. Jackson's Right to a Fair Trial.**

10 The Court had no justification to permit an exemption for a subpoenaed witness who was subject to
11 the "gag order" while at the same time prohibiting Mr. Jackson from responding. Buckley v. Valeo, 424
12 U.S. 1, 48-49 (1976)(the government may not "restrict the speech of some elements of our society in order
13 to enhance the relative voice of others."). To the public and the jury, it appeared that the Court sanctioned
14 and approved the salacious wholesale denunciation of Mr. Jackson on national television by granting a
15 special privilege to Witness Bashir. The exemption was a content based exemption that favored one form
16 of expression and one speaker over another. Ward v. Rock Against Racism, 491 U.S. 781, 791 (1989)
17 (government may not adopt a regulation of speech because of agreement or disagreement with the message
18 it conveys). The Court's disparate treatment and favoritism of a journalist bent on destroying Mr. Jackson
19 was an inexcusable act of discrimination that so compromised the Court's objectivity that the appearance of
20 impropriety is irreversible. See R.A.V. v. St. Paul, 505 U.S. 377, 386, (1992)("The government may not
21 regulate [speech] based on hostility--or favoritism--towards the underlying message expressed").

22 Regulations that discriminate among media, or among different speakers within a single medium,
23 present serious First Amendment concerns requiring heightened scrutiny of the regulation. Turner
24 Broadcasting Systems, Inc. v. FCC, 512 U.S. 622, 658 (1994). The courts are required to apply the most
25 exacting scrutiny to regulations that suppress, disadvantage, or impose differential burdens upon speech
26 because of the speaker or of content. Simon & Schuster, Inc. v. Members of the New York State Crime
27 Victims Board, 502 U.S. 105, 125-26 (1991)(Kennedy J., concurring); Perry Education Assn v. Perry Local
28 Educators' Assn., 460 U.S. 37, 45 (1983). Rules that compel a speaker refrain from uttering or distributing

1 speech bearing a particular message are subject to the same rigorous scrutiny that prohibits content based
2 regulation of expression. West Virginia Bd. of Ed. v. Barnette, 319 U.S. 624, 638, 640-42 (1943).

3 For this Court to enter an order exempting Witness Bashir to give "commentary to the same extent
4 that a non-witness journalist could," and permit him to engage in the wholesale denunciation of Mr.
5 Jackson, while at the same time it has "gagged" Mr. Jackson, evidences a design to destroy Mr. Jackson.
6 The favoritism showed by the Court to a witness who has fabricated false accusations against Mr. Jackson
7 constituted an invidious discrimination where an objective observer can point to the special exemption as a
8 court sanctioned denunciation permitted against a defendant who has been prohibited from responding. No
9 basis existed to allow a witness to assail Mr. Jackson in public, and the harm caused to Mr. Jackson is
10 irreparable. Leathers v. Medlock, 499 U.S. 439, 448 (1991)(targeting a small number of speakers for
11 special speech regulation threatens to "distort the market for ideas.").

12 C. The Court's Gag Order was Modified to be Discriminatory and Therefore Subject to
13 Heightened Scrutiny.

14 The public's and the jury's perception of a Court sanctioned denunciation of Mr. Jackson by a
15 witness who asked for a special exemption to perpetrate the denunciation is irrefutable. The Court favored
16 the speech of Witness Bashir and disfavored the speech of Michael Jackson. Burson v. Freeman, 504 U.S.
17 191, 197-98 (1992)(the government may not regulate an individuals speech based on its content and may
18 not favor one form of speech or one speaker over another based on content); Boos v. Barry, 485 U.S. 312,
19 318-19 (1988)(the exercise of First Amendment rights may not be conditioned on the nature of the speech
20 expressed nor discriminate in favor of one class of speakers over another). The government may not
21 impose burdens or confer benefits on speakers with reference to the content of the speech in question.
22 Broadcasting Systems, Inc. v. FCC, 512 U.S. 622, 639 & n. 6 (1994). Yet, this is precisely what the Court
23 did when it sanctioned a discrimination against Mr. Jackson in favor of the Witness Bashir who proceeded
24 to denounce Mr. Jackson in public with the Court's blessing as Mr. Jackson was forced to remain silent.

25 Laws which impose special burdens or benefits for broadcasters over ordinary individuals are
26 measured by heightened First Amendment scrutiny. Minneapolis Star & Tribune v. Minnesota Comm'r of
27 Revenue, 460 U.S. 575, 583 (1983). See Arkansas Writers' Project, Inc. v. Ragland, 481 U.S. 221, 228
28 (1971)(laws that single out the press, or certain elements thereof, for special treatment "pose a particular

1 danger of abuse by the State.") Even a regulation neutral on its face may be content based if its manifest
2 purpose is to regulate speech because of the message it conveys. United States v. Eichman, 496 U.S. 310,
3 315 (1990) ("Although the Flag Protection Act contains no explicit content based limitation on the scope of
4 prohibited conduct, it is nevertheless clear that the Government's asserted interest is related to the
5 suppression of free expression") (emphasis in original).

6 The "gag order" is no longer neutral as to all persons and now contains exemptions based on
7 content and class of speaker. It cannot pass constitutional muster in its present form. Hurvitz v. Hoefflin,
8 84 Cal. App. 4th 1232, 1241 (2000). Mr. Jackson should be treated equal to Witness Bashir, and Mr.
9 Jackson should be permitted equal time to present his views under the same terms and conditions Witness
10 Bashir was permitted to present his views to the public.

11 III.

12 CONCLUSION

13 For the foregoing reasons, Mr. Michael Jackson requests his Motion to Dismiss and Motion to
14 Permit Broadcast Response be granted.

15
16 DATED: February 22, 2005

17 Respectfully submitted,

18 Thomas A. Mesereau, Jr.
19 Susan Yu
20 COLLINS, MESEREAU, REDDOCK & YU

21 Robert M. Sanger
22 SANGER & SWYSEN

23 Brian Oxman
24 OXMAN & JAROSCAK

25 By: 

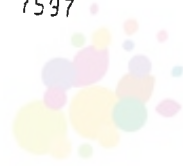
26 R. Brian Oxman
27 Attorneys for defendant
28 Mr. Michael Jackson



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com

Exhibit "A"



mjfacts.com



mjfacts.com

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA BARBARA

JAN 23 2004

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

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA

PEOPLE OF THE STATE OF CALIFORNIA,

Case No.: 1133603

Plaintiff,

PROTECTIVE ORDER

vs.

MICHAEL JOE JACKSON,

Defendant

TO: Thomas W. Sneddon, District Attorney for the County of Santa Barbara, and to Mark J. Geragos, attorney of record for Defendant Michael Jackson, and all interested parties.

It is the Order of this Court that no attorney connected with this case as Prosecutor or Defense Counsel, nor any other attorney working in or with the offices of either of them, nor their agents, staff, or experts, nor the defendant, Michael Jackson, nor any judicial officer or court employee, nor any law enforcement employee of any agency involved in this case, nor any persons subpoenaed or expected to testify in this matter, shall do any of the following:

///

1. Release or authorize the release for public dissemination of any purported extrajudicial statement of either the defendant or witnesses relating to this case;
2. Release or authorize the release of any documents, exhibits, photographs, or any evidence, the admissibility of which may have to be determined by the Court;
3. Make any statement for public dissemination as to the existence or possible existence of any document, exhibit, photograph or any other evidence, the admissibility of which may have to be determined by the Court;
4. Express outside of court an opinion or make any comment for public dissemination as to the weight, value, or effect of any evidence as tending to establish guilt or innocence;
5. Make any statement outside of court as to the content, nature, substance, or effect of any statements or testimony that have been given, or is expected to be given, in any proceeding in or relating to this matter;
6. Issue any statement as to the identity of any prospective witness, or the witness's probable testimony, or the effect thereof;
7. Make any out-of-court statement as to the nature, source, or effect of any purported evidence alleged to have been accumulated as a result of the investigation of this matter.

This Order does not include any of the following:

1. Factual statements of the accused person's name, age, residence, occupation, and family status.
2. The time and place of arrest, the identity of the arresting and investigating officers and agencies, and the length of the investigation.

- 1 3. The nature, substance, and text of the charge, including a brief description of the
- 2 offenses charged.
- 3 4. Quotations from, or any reference without comment to, public records of the Court in
- 4 the case.
- 5 5. The scheduling and result of any stage of the judicial proceedings held in open court
- 6 in an open or public session.
- 7 6. A request for assistance in obtaining evidence or the names of possible witnesses.
- 8 7. Any witness may discuss any matter with any prosecution or defense attorney in this
- 9 action, or any agent thereof, and if represented may discuss any matter with his or
- 10 her own attorney.
- 11

12 Any violation of this order will result in a contempt action for any offender within the
13 jurisdiction of this Court.

14 A copy of this Order shall be provided to any prospective witness that a party intends
15 to call for any proceeding in this action.

16 The court retains continuing jurisdiction to modify the terms of this order.

17
18 DATED: January 23, 2004



19 RODNEY S. MELVILLE
20 Judge of the Superior Court
21
22
23
24
25
26

PROOF OF SERVICE

1013AC(1)(3), 1013(c) CCP

STATE OF CALIFORNIA, COUNTY OF SANTA BARBARA:

I am a citizen of the United States of America and a resident of the county aforesaid. I am employed by the County of Santa Barbara, State of California. I am over the age of 18 and not a party to the within action. My business address is 312-H East Cook Street, Santa Maria, California.

On JANUARY 23, 2004, I served a copy of the attached PROTECTIVE ORDER addressed as follows:

THOMAS W. SNEDDON, DISTRICT ATTORNEY
DISTRICT ATTORNEYS OFFICE
1105 SANTA BARBARA STREET
SANTA BARBARA, CA 93101

GERAGOS & GERAGOS
c/o MARK GERAGOS, ESQ.
350 S. GRAND AVENUE, 39TH FLOOR
LOS ANGELES, CA 90071-3480

GIBSON, DUNN & CRUTCHER
c/o THEODORE J. BOUTROUS, ESQ.
333 SOUTH GRAND AVENUE
LOS ANGELES, CA 90071

X FAX

By faxing true copies thereof to the receiving fax numbers of: 805-568-2398 (DISTRICT ATTORNEY); 213-625-1600 (MARK GERAGOS, ESQ.); 213-229-7520 (GIBSON, DUNN & CRUTCHER), said transmission was reported complete and without error. Pursuant to California Rules of Court 2005(1), a transmission report was properly issued by the transmitting facsimile machine and is attached hereto.

 MAIL

By placing true copies thereof enclosed in a sealed envelope with postage fully prepaid, in the United States Postal Service mail box in the City of Santa Maria, County of Santa Barbara, addressed as above. That there is delivery service by the United States Postal Service at the place so addressed or that there is a regular communication by mail between the place of mailing and the place so addressed.

 PERSONAL SERVICE

By leaving a true copy thereof at their office with their clerk therein or the person having charge thereof.

 EXPRESS MAIL

By depositing such envelope in a post office, mailbox, subpost office, substation, mail chute, or other like facility regularly maintained by the United States Postal Service for receipt of Express Mail, in a sealed envelope, with express mail postage paid.

I certify under penalty of perjury that the foregoing is true and correct. Executed this 23RD day of JANUARY, 2004, at Santa Maria, California.

Carrie L. Wagner
CARRIE L. WAGNER



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com

Exhibit "B"



mjfacts.com



mjfacts.com

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA BARBARA**

| | | | |
|--|------------------|-----|---|
| Dated & Entered: JANUARY 28, 2005 | Time: 9:35 A.M. | F | |
| Honorable RODNEY S. MELVILLE | | CC | |
| Deputy Clerk: L. FREY | Dept. SM TWO | CA | |
| Deputy Sheriff: L. AVILA | | AC | |
| Court Reporter: M. MC NEIL | Case No. 1133603 | SR | |
| Plaintiff: THE PEOPLE OF THE STATE OF CALIFORNIA | | ST | |
| vs. | | DOC | X |
| Defendant(s): MICHAEL JOE JACKSON | | | |
| District Attorney: THOMAS W. SNEDDON, JR. | | | |
| Defense Counsel: THOMAS A. MESEREAU, JR. | | | |
| Probation Officer: | Interpreter: | | |

NATURE OF PROCEEDINGS: PLAINTIFF'S MOTION IN LIMINE RE: EVIDENCE CODE 402 ISSUES; PLAINTIFF'S MOTION IN LIMINE RE: ADMISSION OF EXPERT TESTIMONY ON "BATTERED WOMEN'S SYNDROME"; PLAINTIFF'S MOTION FOR ADMISSION OF MARTIN BASHIR'S DOCUMENTARY "LIVING WITH MICHAEL JACKSON" AS EVIDENCE OF DEFENDANT'S MOTIVE, ETC.; PLAINTIFF'S REQUEST TO ADMIT SEIZED EVIDENCE OF EROTIC MATERIALS TO DEMONSTRATE DEFENDANT'S INTENT, ETC.; PLAINTIFF'S MOTION IN LIMINE FOR ADMISSION OF EXPERT TESTIMONY ON DEFENDANT'S FINANCES; MOTION FOR ORDER DIRECTING THAT TESTIMONY OF CHILD WITNESSES BE CLOSED TO THE PUBLIC; MOTION FOR AN ORDER ALLOWING INDIVIDUAL SEQUESTERED VOIR DIRE OF PROSPECTIVE JURORS; MOTION FOR AN ORDER THAT THE DISTRICT ATTORNEY NOT BE ALLOWED TO TELL THE JURY THAT HE REPRESENTS "THE PEOPLE" IN A MANNER THAT IMPLIES THAT HE REPRESENTS THE JURY AGAINST THE DEFENDANT, ETC.; MR. JACKSON'S MOTION IN LIMINE TO LIMIT UNCHARGED CONSPIRATOR HEARSAY; MR. JACKSON'S MOTION IN LIMINE TO PRECLUDE REFERENCE TO MATERIALS AS PORNOGRAPHIC; MR. JACKSON'S MOTION IN LIMINE TO EXCLUDE REFERENCE TO CIVIL SETTLEMENT AMOUNTS; MR. JACKSON'S MOTION IN LIMINE TO EXCLUDE REFERENCE TO BOOKS, MAGAZINES, PHOTOGRAPHS, ETC. OF DISROBED INDIVIDUALS; MOTION IN LIMINE TO EXCLUDE FOURTEEN ITEMS OF IRRELEVANT EVIDENCE; APPLICATION FOR ORDER THAT THE DEFENSE RESPONSE TO THE DISTRICT ATTORNEY'S MOTION IN LIMINE FOR ADMISSION OF EXPERT TESTIMONY ON DEFENDANT'S FINANCES, DATED JANUARY 21, 2005, BE WITHDRAWN; MOTION FOR PROTECTIVE ORDER PRECLUDING MARTIN BASHIR FROM BEING REQUIRED TO TESTIFY AND FOR CLARIFICATION THAT "GAG" ORDER DOES NOT APPLY TO MARTIN BASHIR; MOTION TO SEAL PLAINTIFF'S MOTION IN LIMINE RE: EVIDENCE CODE 402 ISSUES, AND OPPOSITION AND REPLY THERETO IF SEALING REQUESTED; MOTION TO SEAL PLAINTIFF'S MOTION IN LIMINE RE: ADMISSION OF EXPERT TESTIMONY ON "BATTERED WOMEN'S SYNDROME" AND OPPOSITION AND REPLY THERETO IF SEALING REQUESTED; MOTION TO SEAL MOTION FOR ADMISSION OF MARTIN BASHIR'S DOCUMENTARY, ETC. AND OPPOSITION AND REPLY THERETO IF SEALING REQUESTED; MOTION TO SEAL PLAINTIFF'S REQUEST TO ADMIT SEIZED EVIDENCE OF EROTIC MATERIALS TO DEMONSTRATE DEFENDANT'S INTENT, ETC. AND OPPOSITION AND REPLY THERETO IF SEALING REQUESTED; MOTION TO SEAL PLAINTIFF'S MOTION IN LIMINE FOR ADMISSION OF EXPERT TESTIMONY ON DEFENDANT'S FINANCES AND OPPOSITION AND REPLY THERETO IF SEALING REQUESTED; MOTION TO SEAL DEFENSE OPPOSITION TO MOTION FOR ORDER DIRECTING THAT TESTIMONY OF CHILD

1133603

THE PEOPLE OF THE STATE OF CALIFORNIA

VS

MICHAEL JOE JACKSON

JANUARY 28, 2005

PAGE TWO

WITNESSES BE CLOSED TO THE PUBLIC AND REPLY THERETO IF SEALING REQUESTED; MOTION TO SEAL OPPOSITION TO MOTION FOR AN ORDER ALLOWING INDIVIDUAL SEQUESTERED VOIR DIRE OF PROSPECTIVE JURORS AND REPLY THERETO IF SEALING REQUESTED; MOTION TO SEAL MR. JACKSON'S MOTION IN LIMINE TO LIMIT UNCHARGED CONSPIRATOR HEARSAY AND OPPOSITION AND REPLY THERETO IF SEALING REQUESTED; MOTION TO SEAL MR. JACKSON'S MOTION IN LIMINE TO PRECLUDE REFERENCE TO MATERIALS AS PORNOGRAPHIC AND OPPOSITION AND REPLY THERETO IF SEALING REQUESTED; MOTION TO SEAL MOTION IN LIMINE TO EXCLUDE REFERENCE TO CIVIL SETTLEMENT AMOUNTS AND OPPOSITION AND REPLY THERETO IF SEALING REQUESTED; MOTION TO SEAL MR. JACKSON'S MOTION IN LIMINE TO EXCLUDE REFERENCE TO BOOKS, MAGAZINES, PHOTOGRAPHS, ETC. OF DISROBED INDIVIDUALS AND OPPOSITION AND REPLY THERETO IF SEALING REQUESTED; MOTION TO SEAL MOTION IN LIMINE TO EXCLUDE FOURTEEN ITEMS OF IRRELEVANT EVIDENCE AND OPPOSITION AND REPLY THERETO IF SEALING REQUESTED; MOTION TO SEAL EX PARTE APPLICATION FOR AN ORDER THAT MR. JACKSON BE ALLOWED TO MAKE A PUBLIC STATEMENT REGARDING INFORMATION LEAKED TO THE MEDIA; MOTION TO SEAL PLAINTIFF'S RESPONSE TO MARTIN BASHIR'S MOTION FOR PROTECTIVE ORDER PRECLUDING HIM FROM BEING REQUIRED TO TESTIFY AS WITNESS IN THIS CASE; MOTION TO SEAL EX PARTE APPLICATION FOR AN ORDER THAT THE DEFENSE RESPONSE TO THE DISTRICT ATTORNEY'S MOTION IN LIMINE FOR ADMISSION OF EXPERT TESTIMONY ON DEFENDANT'S FINANCES DATED JANUARY 21, 2005 BE WITHDRAWN

Felony Complaint Filed December 18, 2003 charging the Defendant with Counts 1 thru 7: 288(a) P.C., a Felony, Counts 8 and 9: 222 P.C., a Felony, Enhancements on Counts 1 through 7: 1192.7(c)(6) P.C. and 1203.066(a)(3) P.C.

Indictment filed April 21, 2004 charging the Defendant with Count 1: 182 P.C., a Felony. Counts 2 through 5: 288(a) P.C., Felonies, Count 6: 664/288(a) P.C., a Felony, Counts 7 through 10: 222 P.C., Felonies, Special Allegations on Counts 2 through 5: 1192.7(c)(6) P.C. and 1203.066(a)(8) P.C.

The Court made orders re: The children shall not be referred to as victims; the District Attorney shall be referred to as The People; the District Attorney shall not imply that he represents the Jury against the Defendant; the Court shall make the appropriate determinations regarding the admissibility of character evidence or prior bad acts to impeach during the course of the trial as objections are made; the Court declines to rule on the issue of admission of expert testimony on "Battered Women's Syndrome" prior to hearing testimony; Plaintiff's motion for admission of Martin Bashir's documentary "Living with Michael Jackson" as evidence of Defendant's motive, etc. shall be granted, but limited to the original ITV broadcast with a limiting instruction; Counsel shall file briefs re: Bashir documentary of admissible statements made by the Defendant in the documentary; the Court shall preclude the use of terms pornographic, obscene or erotica and the terms adult material or sexually explicit shall be used; the materials seized during the 1993 investigation shall not be admitted; the Court orders that a 402 hearing shall be held prior to expert testimony on Defendant's Finances; the Court denied the motion for order

1133603

THE PEOPLE OF THE STATE OF CALIFORNIA
VS

MICHAEL JOE JACKSON

JANUARY 28, 2005

PAGE THREE

directing that testimony of child witnesses be closed to the public, but a sketch artist shall not be allowed during the children's testimony; motion for individual sequestered voir dire shall be denied; the Court shall follow the statute as to uncharged conspirator hearsay; that a 402 hearing shall be held prior to reference to Civil settlement amounts; motion to exclude fourteen items of irrelevant evidence granted; the Court orders that the motion to quash re protective order precluding Martin Bashir from being required to testify is denied; the Court orders that a Jury Consultant shall be allowed in the Courtroom for each side; the Court orders that no further subpoenaed records, with the exception of Trial subpoenas, shall be opened without consent of both Counsel; the Court shall take under submission the motion to preclude reference to materials as pornographic and opposition and reply thereto; that the motions to seal shall be granted, except that the motions to seal Mr. Jackson's motion in limine to preclude reference to materials as pornographic, District Attorney's response thereto and reply shall be taken under submission and the motion to seal ex parte application for an order that the Defense response to the District Attorney's motion in limine for admission of expert testimony on Defendant's finances dated January 21, 2005 be withdrawn shall be denied.

At 9:35 A.M. with Court, Counsel and Research Attorneys Jed Beebe and Tracy Splitgerber present, hearing proceeded.

Counsel present for the People are Thomas W. Sneddon, Jr., Ronald Zonen, Gordon Auchincloss and Gerald M. Franklin.

Counsel present for the Defendant are Thomas A. Mesereau, Jr., Robert M. Sanger, Susan Yu and Brian Oxman.

Counsel present for the Media is Theodore Boutros.

A 977 Waiver is on file and the Defendant's presence is excused for this hearing.

Attorneys Auchincloss and Sanger addressed the Court re: Plaintiff's Motion in Limine re: Evidence Code 402 Issues. The Court orders that the children shall not be referred to as victims when the children are on the witness stand. The Court further orders that the District Attorney may be referred to as "The People"; that the District Attorney shall not imply that he represents the Jury against the Defendant. The Court further orders that the Court shall make the appropriate determinations regarding the admissibility of character evidence or prior bad acts to impeach during the course of the trial as objections are made. The Court advised Counsel that the Court is confident that all attorneys will conduct themselves in a professional manner and that no personal disparagement shall occur.

Attorneys Auchincloss and Sanger addressed the Court re: Plaintiff's Motion in Limine re: Admission of Expert Testimony on "Battered Women's Syndrome." The Court declines to rule on this issue at this time. The Court will hear witness testimony before it can ascertain whether the expert will be helpful to the Jury.

1133603

THE PEOPLE OF THE STATE OF CALIFORNIA

VS

MICHAEL JOE JACKSON

JANUARY 28, 2005

PAGE FOUR

Attorneys Sneddon and Mesereau addressed the Court re: Plaintiff's Motion for Admission of Martin Bashir's Documentary "Living with Michael Jackson" as Evidence of Defendant's Motive, etc. The Court further orders that the motion shall be granted, but limited to the original documentary broadcast by ITV only. The Court further orders that the appropriate limiting instruction shall be given to the Jury; that the version aired on "20/20" shall not be admissible.

The Court further orders that Counsel shall file briefs re: admissibility of statements made by the Defendant in the Bashir documentary; that the Plaintiff's brief shall be filed by February 10, 2005, the response shall be filed by February 15, 2005 and the reply shall be filed by February 17, 2005.

Attorneys Zonen and Oxman addressed the Court re: Plaintiff's Request to Admit Seized Evidence of Erotic Materials to Demonstrate Defendant's Intent, etc., Mr. Jackson's Motion in Limine to Preclude Reference to Materials as Pornographic and Mr. Jackson's Motion in Limine to Exclude Reference to Books, Magazines, Photographs, etc. of Disrobed Individuals. The Court further orders that the Court shall preclude the use of terms "pornographic" or "obscene" as they call for a legal conclusion; that the terms "adult material" or "sexually explicit" shall be used during the trial. The Court further orders that the Plaintiff's motion shall be granted as to the materials seized from Neverland during this investigation only; that the materials seized during the 1993 investigation shall not be admitted. The Court further orders that materials seized from business associates outside of Neverland shall not be admissible.

Attorneys Auchincloss and Sanger addressed the Court re: Plaintiff's Motion in Limine for Admission of Expert Testimony on Defendant's Finances and Application for Order that the Defense Response to the District Attorney's Motion in Limine for Admission of Expert Testimony on Defendant's Finances, Dated January 21, 2005, Be Withdrawn. The Court finds that general testimony as it relates to this particular situation may be admissible, but the Court shall reserve ruling at this time. The Court further orders that a 402 hearing shall be held if such witnesses are called.

Attorneys Auchincloss, Mesereau and Bourrous addressed the Court re: Motion for Order Directing that Testimony of Child Witnesses be Closed to the Public. The Court further orders that the motion shall be denied; that the Court shall not allow sketch artists during their testimony; that if there is any disruption during their testimony, the Court will readdress the issue; that there shall be no interference with their testimony.

At 12:05 P.M. the Court ordered a recess until 1:00 P.M.

FEB-08-2005(TUE) 11:08

SUPERIOR COURT ADMIN (N COUNTY)

(FAX)805 346 7597

P.006/011

1133603

THE PEOPLE OF THE STATE OF CALIFORNIA

VS

MICHAEL JOE JACKSON

JANUARY 28, 2005

PAGE FIVE

At 1:00 P.M. with Court, Counsel and Research Attorneys Jed Beebe and Tracy Splittgerber present, hearing continued.

Attorneys Sanger and Sneddon addressed the Court re: Motion for an Order Allowing Individual Sequestered Voir Dire of Prospective Jurors. The Court further ordered that the motion for individual sequestered voir dire shall be denied; that a Chambers examination shall be limited to confidential and sensitive issues.

Attorneys Mesereau and Sneddon addressed the Court re: Mr. Jackson's Motion in Limine to Limit Uncharged Conspirator Hearsay. The Court shall follow the statute. The Court shall make a finding initially that there is sufficient evidence before statements are admitted; that the Jury shall also make a finding that there is sufficient evidence; that the Court will consider as well, requests to conditionally admit such statements subject to evidence of the preliminary fact being supplied later. The District Attorney advised the Court that he will submit a trial brief with a road map of where they are going as to this issue.

Attorneys Mesereau and Sneddon addressed the Court re: Mr. Jackson's Motion in Limine to Exclude Reference to Civil Settlement Amounts. The Court further orders that evidence cannot be offered without prior permission by the Court; that a 402 motion under 1108 would be the motion to consider prior misconduct or an additional motion shall be filed.

The Court further orders that if the Court declined to rule on an issue, then it can't be mentioned in Counsel's opening statement.

The Court further orders that the Motion in Limine to Exclude Fourteen Items of Irrelevant Evidence, there being no opposition filed, the motion shall be granted.

Attorneys Bourroux, Sneddon and Mesereau addressed the Court re: Motion for Protective Order Precluding Martin Bashir from Being Required to Testify and for Clarification that "Gag" Order Does Not Apply to Martin Bashir. The Court denied the requested protective order re: the Bashir subpoena. The Court further ordered that the intent of the "Gag" Order is that Mr. Bashir, along with other witnesses, would not identify the minors involved and would not disclose through the media evidence on the charges known to him by personal observation; that as long as the order remains in effect Mr. Bashir will be bound by these restrictions, but he is not prevented from reporting or giving commentary to the same extent that a non-witness journalist could.

The Court advised Counsel that the Court will not be in session on February 9, 2005 due to arguments in the Appellate Court that day.

1133603

THE PEOPLE OF THE STATE OF CALIFORNIA
VS

MICHAEL JOE JACKSON

JANUARY 28, 2005

PAGE SIX

The Court asked Counsel for an estimate of the jury trial length. The District Attorney and Defense Counsel gave an estimate of five months after jury selection is completed.

The Court further advised Counsel that as soon as the Jurors and Alternates are sworn, the Court intends to release the Grand Jury transcript and indictment.

Attorneys Mesereau and Sneddon addressed the Court re: sealed pleadings. The Court further advised Counsel that as the case commences the Court will release sealed pleadings that no longer need to be sealed.

Attorney Sanger addressed the Court re: the Computer Hard Drive Discs and advised the Court that it will take another ten days for their review.

Attorneys Sneddon and Sanger addressed the Court as to whether or not Jurors will be brought in on February 7, 2005. The Court will make a decision on Monday, January 31, 2005.

Attorney Mesereau requested that the Court allow Juror Consultants in the Courtroom. The Court further ordered that Counsel may have a Jury Consultant in the Courtroom; that said consultant can replace one of the attorneys in front of the bar; that a designated media pool will be present in the Courtroom during Jury selection; that seating designated for the family during the trial does not apply during Jury selection; that no family members will be allowed during Jury selection due to the lack of seating; that matter may be revisited as the Jury pool is reduced.

Attorney Sneddon asked permission of the Court that only one District Attorney be present on January 31, 2005, February 1, 2005 and February 2, 2005. The Court granted the District Attorney's request.

Court and Counsel discussed subpoenaed records. The Court further orders that no additional subpoenaed records, with the exception of Teal subpoenas, shall be opened without the consent of both Counsel.

Attorney Sneddon addressed the Court re: the Decorum order and discussion was held re: said order.

Attorney Yu advised the Court the numbering issue on the documents has been resolved.

Attorney Boutros addressed the Court re: the Motion to Seal Mr. Jackson's Motion in Limine to Preclude Reference to Materials as Pornographic and Opposition and Reply thereto if sealing requested. The Court shall take said motion under submission.

Attorneys Sanger and Sneddon addressed the Court re: Discs that were submitted to the Court by the Defense of Items 913, 910, 911, 912 and 1315 and The District Attorneys Discs 134 and 135. Counsel stipulate that the Court may review said discs in the absence of Counsel; that if either Counsel has a copy of the British version of the Brashir tape, they shall submit it to the Court on January 31, 2005.

1133603
THE PEOPLE OF THE STATE OF CALIFORNIA
VS
MICHAEL JOE JACKSON
JANUARY 28, 2005
PAGE SEVEN

The Court further orders that the Motions to Seal Plaintiff's Motion in Limine re: Evidence Code 402 Issues and Opposition and Reply Thereto shall be granted. The Plaintiff's Motion was filed on January 18, 2005 and conditionally sealed on January 19, 2005. The redacted version was released on January 20, 2005. Defendant's Opposition was filed on January 21, 2005 and conditionally sealed on January 26, 2005. The proposed redacted version with court modification was released on January 26, 2005. Plaintiff's Reply was filed on January 24, 2005 and conditionally sealed on January 26, 2005. The redacted version was released on January 26, 2005. Findings and Order shall follow.

The Court further orders that the Motions to Seal Plaintiff's Motion in Limine re: Admission of Expert Testimony on "Battered Women's Syndrome" and Opposition Thereto shall be granted. The Plaintiff's Motion was filed on January 18, 2005 and conditionally sealed on January 19, 2005. The redacted version was released on January 20, 2005. Opposition was filed on January 21, 2005 and conditionally sealed on January 26, 2005. The redacted version was released on January 26, 2005. Findings and Order shall follow.

The Court further orders that the Motion to Seal Motion for Admission of Martin Bashir's Documentary, etc. shall be granted. The Plaintiff's Motion was filed on January 18, 2005 and conditionally sealed on January 21, 2005. The redacted version was released on January 20, 2005. Findings and Order shall follow.

The Court further orders that the Motion to Seal Plaintiff's Request to Admit Seized Evidence of Erotic Materials to Demonstrate Defendant's Intent, etc. and Opposition thereto shall be granted. The Plaintiff's Motion was filed on January 18, 2005 and conditionally sealed on January 21, 2005. The redacted version was released on January 20, 2005. Defense Opposition was filed on January 21, 2005 and conditionally sealed on January 26, 2005. The proposed redacted version was released on January 26, 2005. Findings and Order shall follow.

The Court further orders that the Motions to Seal Plaintiff's Motion in Limine for Admission of Expert Testimony on Defendant's Finances and Oppositions Thereto shall be granted. The Plaintiff's Motion was filed on January 18, 2005 and conditionally sealed on January 19, 2005. The redacted version was released on January 20, 2005. Defendant's Response was filed January 21, 2005. It was later withdrawn and their Opposition was filed on January 24, 2005. Redacted versions of both documents were released on January 26, 2005. Findings and Order shall follow.

The Court further orders that the Motions to Seal Defense Opposition to Motion for Order Directing that Testimony of Child Witnesses be Closed to the Public and Reply Thereto shall be granted. Opposition was filed on January 21, 2005 and conditionally sealed on January 26, 2005. The proposed redacted version was modified by the Court and released on January 26, 2005. Reply was filed on January 25, 2005 and conditionally sealed on January 26, 2005. The Court's redacted version was released on January 26, 2005. Findings and Order shall follow.

1133603

THE PEOPLE OF THE STATE OF CALIFORNIA

VS

MICHAEL JOE JACKSON

JANUARY 28, 2005

PAGE EIGHT

The Court further orders that the Motion to Seal Opposition to Motion for an Order Allowing Individual Sequestered Voir Dire of Prospective Jurors shall be granted. The District Attorney's opposition was filed on January 24, 2005 and conditionally sealed on January 26, 2005. A proposed redacted version was released on January 25, 2005. Findings and Order shall follow.

The Court further orders that the Motion to Seal Mr. Jackson's Motion in Limine to Limit Uncharged Conspirator Hearsay shall be granted. The Defendant's Motion was filed on January 18, 2005 and conditionally sealed on January 19, 2005. The redacted version was released on January 20, 2005. Defendant's reply was filed on January 27, 2005 under conditional seal. The redacted version was released the same day. Findings and Order shall follow.

The Court further orders that the Motions to Seal Mr. Jackson's Motion in Limine to Preclude Reference to Materials as Pornographic, District Attorney's Response Thereto and Reply shall be taken under submission. The Defendant's Motion was filed on January 18, 2005 and conditionally sealed on January 19, 2005. The redacted version was released on January 20, 2005. The District Attorney's Response was filed on January 24, 2005 and conditionally sealed on January 26, 2005. The proposed redacted version was released on January 26, 2005. Defendant's reply was filed on January 27, 2005 under conditional seal. The redacted version was released the same day. Findings and Order shall follow.

The Court further orders that the Motions to Seal Motion in Limine to Exclude Reference to Civil Settlement Amounts, District Attorney's Response Thereto and Reply shall be granted. The Defendant's motion was filed on January 18, 2005 and conditionally sealed on January 19, 2005. The redacted version was released on January 20, 2005. The District Attorney's Response was filed on January 24, 2005 and conditionally sealed on January 26, 2005. The proposed redacted version with Court modification was released on January 26, 2005. The Defendant's reply was filed on January 27, 2005 under conditional seal. The redacted version was released the same day. Findings and Order shall follow.

The Court further orders that the Motions to Seal Mr. Jackson's Motion in Limine to Exclude Reference to Books, Magazines, Photographs, etc. of Disrobed Individuals, District Attorney's Response Thereto and Reply shall be granted. The Defendant's motion was filed on January 18, 2005 and conditionally sealed on January 21, 2005. The redacted version was released on January 20, 2005. The District Attorney's response was filed on January 24, 2005 and conditionally sealed on January 26, 2005. The proposed redacted version with Court modification was released on January 26, 2005. The Defendant's reply was filed on January 27, 2005 under conditional seal. The redacted version was released the same day. Findings and Order shall follow.

1133603

THE PEOPLE OF THE STATE OF CALIFORNIA

VS

MICHAEL JOE JACKSON

JANUARY 28, 2005

PAGE NINE

The Court further orders that the Motion to Seal Motion in Limine to Exclude Fourteen Items of Irrelevant Evidence shall be granted. The Defendant's motion was filed on January 18, 2005 and conditionally sealed on January 19, 2005. The redacted version was released on January 20, 2005. Findings and Order shall follow.

The Court further orders that the Motion to Seal Ex Parte Application for an order that Mr. Jackson be allowed to Make a Public Statement Regarding Information Leaked to the Media shall be granted. The application was filed January 18, 2005. The redacted version was released January 25, 2005. Findings and Order shall follow.

The Court further orders that the Motions to Seal Plaintiff's Response and Defendant's Opposition to Martin Bashir's Motion for Protective Order Precluding Him from Being Required to Testify as a Witness in this Case shall be granted. The Plaintiff's response was filed on January 24, 2005 and conditionally sealed on January 26, 2005. The Defendant's Opposition was filed January 26, 2005 under conditional seal. The proposed redacted version was released on January 27, 2005. Findings and Order shall follow.

The Court further orders that the Motion to Seal Ex Parte Application for an Order that the Defense Response to the District Attorney's Motion in Limine for Admission of Expert Testimony on the Defendant's Finances Dated January 21, 2005 Be Withdrawn shall be denied. The application to withdraw was filed January 24, 2005 and conditionally sealed on January 26, 2005. The proposed redacted version was released on January 26, 2005.

At 2:55 P.M. Court adjourned.

CLERK OF THE SUPERIOR COURT

BY

Lorna Frey
LORNA FREY, DEPUTY CLERK

PROOF OF SERVICE

1012A(1)(3), 1012(c) CCP

STATE OF CALIFORNIA, COUNTY OF SANTA BARBARA:

I am a citizen of the United States of America and a resident of the county aforesaid. I am employed by the County of Santa Barbara, State of California. I am over the age of 18 and not a party to the within action. My business address is 312-H East Cook Street, Santa Maria, California.

On FEBRUARY 8, 2005, I served a copy of the attached MINUTE ORDER, DATED 1/28/05 addressed as follows:

THOMAS A. MESEREAU, JR.
COLLINS, MESEREAU, REDDOCK & YU, LLP
1875 CENTURY PARK EAST, 7TH FLOOR
LOS ANGELES, CA 90067

THOMAS W. SNEDDON, JR.
DISTRICT ATTORNEY'S OFFICE
1112 SANTA BARBARA STREET
SANTA BARBARA, CA 93101

X FAX

By faxing true copies thereof to the receiving fax numbers of: (805) 456-0699 (Thomas Mesereau, Jr.); (805) 568-2398 (Thomas Sneddon), said transmission was reported complete and without error. Pursuant to California Rules of Court 2005(1), a transmission report was properly issued by the transmitting facsimile machine and is attached hereto.

____ MAIL

By placing true copies thereof enclosed in a sealed envelope with postage fully prepaid, in the United States Postal Service mail box in the City of Santa Maria, County of Santa Barbara, addressed as above. That there is delivery service by the United States Postal Service at the place so addressed or that there is a regular communication by mail between the place of mailing and the place so addressed.

____ PERSONAL SERVICE

By leaving a true copy thereof at their office with the person having charge thereof or by hand delivery to the above mentioned parties.

____ EXPRESS MAIL

By depositing such envelope in a post office, mailbox, sub-post office, substation, mail chute, or other like facility regularly maintained by the United States Postal Service for receipt of Express Mail, in a sealed envelope, with express mail postage paid.

I certify under penalty of perjury that the foregoing is true and correct. Executed this 8TH day of FEBRUARY, 2005, at Santa Maria, California.

Carrie L. Wagner
CARRIE L. WAGNER



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com

Exhibit “C”



mjfacts.com



mjfacts.com

HEADLINE: SLEEPOVER SECRETS COREY FELDMAN DISCUSSES RELATIONSHIP
WITH MICHAEL JACKSON

February 10, 2005

BODY:

JOHN STOSSEL, ABC NEWS

(Off Camera) Good evening, and welcome to "20/20." With Michael Jackson now officially charged with child molestation, more people are wondering, what did he do with those young boys he invited home, often for sleepovers? Tonight, for the first time, you'll hear from one of them. He's a former child movie star, who once was one of Jackson's staunch defenders. But that has changed. And now, he's ready to testify against Jackson.

ELIZABETH VARGAS, ABC NEWS

(Off Camera) Corey Feldman has just been added to the list of witnesses for the prosecution. He's under court order not to talk about the case, but just before he was silenced, he told his story exclusively to "20/20's" Martin Bashir. What did go on between him and Michael Jackson? And another intriguing question, why is he speaking out now against a man who was once his close and trusted friend?

MARTIN BASHIR, ABC NEWS

(Voice Over) This is the story of the relationship between Corey Feldman and Michael Jackson. The tale of a lost boy who found his hero. Their friendship. His worship of a superstar. So did you idolize him?

COREY FELDMAN, ACTOR

I did idolize him. I put him on this pedestal.

MARTIN BASHIR

(Voice Over) And, says Feldman, his growing realization that maybe their friendship wasn't all it seemed at the time. Late last week, 33-year-old Corey Feldman went to the prosecutor in the Michael Jackson case to tell his story. Now, you're about to hear why. Corey Feldman was one of Michael Jackson's favored inner circle. An angelic child star who'd appeared in hundreds of movies and commercials. And, as allegation followed allegation, Corey Feldman has always stood by his childhood hero.

MICHAEL JACKSON, ENTERTAINER

Don't treat me like a criminal because I am innocent.

MARTIN BASHIR

(Voice Over) In 1993, he defended Jackson in an interview with police.

COREY FELDMAN

He never did anything out of line. I mean, anything, you know. I mean, the closest he ever came to touching me was, like, maybe slapping me on the leg once.

MARTIN BASHIR

(Voice Over) And in 2003, he defended him again.

COREY FELDMAN

I've had kids come over to my house plenty of times as an adult. I've had kids plenty of times come over and say, you know, "this kid's sick, he's got cancer he wants to, you know, spend the day with you. Let's take him to Disneyland."

MARTIN BASHIR

(Voice Over) But tonight, for the first time, Corey Feldman reveals why he says he can no longer stand by Michael Jackson.

COREY FELDMAN

You don't understand the toll that it takes having to be friends with somebody like Michael Jackson. Because you spend your whole life defending this friend. No, he's not gay. No, he's not a weirdo.

MARTIN BASHIR

(Off Camera) Now, when was this?

COREY FELDMAN

This was backstage at the "Bad" tour.

MARTIN BASHIR

(Voice Over) Although Feldman was defending Jackson in public, he says his private thoughts in recent years have started to trouble him. And now, as Michael Jackson's trial begin, Corey

Feldman says he's decided he can remain silent no longer.

COREY FELDMAN

I started looking at each piece of information. And with that came this sickening realization that there have been many occurrences in my life and in my relationship to Michael that have created a question of doubt.

MARTIN BASHIR

(Voice Over) It was a relationship that began at the height of Michael Jackson's fame. Riding the success of "Thriller," he was idolized by millions, Corey Feldman among them. Feldman had starred in "Gremlins" and later "Stand by Me." And "The Lost Boys." By 13, he was already a teen idol himself. Feldman finally got his chance to meet Jackson on the set of the '80's smash hit movie "The Goonies."

COREY FELDMAN

I said, how long are you staying? He said, I don't know, maybe an hour or so. Can't stay long. And I said, well, listen, I really want to talk to you. And do you think that if I gave you my phone number, you would call me? And he goes, sure, I'll call you.

MARTIN BASHIR

(Voice Over) Michael Jackson called him late that night. Feldman says they spoke for two hours and a friendship between a man and a boy began.

MARTIN BASHIR

(Off Camera) Did it seem strange to you that an international musical superstar would be telephoning a boy at that time of the night and having a very detailed, 2-hour conversation?

COREY FELDMAN

It seemed strange to me in the sense that, how did I get so lucky?

MARTIN BASHIR

(Voice Over) Lucky, indeed, for a boy who, despite his success, was deeply unhappy at home. He'd worked on commercials since the age of three. But he says his family life was abusive and dysfunctional.

COREY FELDMAN

I had a very cruel childhood. It was very cruel. And it seemed wherever I was, was always Hell.

MARTIN BASHIR

(Voice Over) Feldman says that attention from a superstar like Jackson was hugely important to a teenager in despair.

COREY FELDMAN

When you come from a broken home, when you need somebody to look up to, a big brother, something of that nature, which I very badly needed, Michael became all of that for me. He would listen to my problems. He would ask me about my problems. He would talk to me about my problems.

MARTIN BASHIR

(Voice Over) Feldman became obsessed with Michael Jackson, dressing like him, even dancing like him. As their relationship developed, Feldman would visit the Jackson family home in Encino, California. Then, one night, he says he got to sleep over.

COREY FELDMAN

He had this big, huge painting on wall. And that painting would come down and it would be a bed. And that was his bed, that's where he slept. But he let me have that bed and he went upstairs to a private, kind of study area, which he locks the door and disappears behind.

MARTIN BASHIR

(Voice Over) But as Feldman got older, he was cast out from Jackson's inner circle. Feldman had developed a serious drug habit. In 1990, he was arrested and charged with heroin and cocaine possession. Took months of intense rehab to get clean. Feldman says he and Jackson remained in touch, until 2001, when they fell out for good. They met backstage before Michael Jackson's 30-year anniversary concert in New York.

COREY FELDMAN

And what happened over next 20 minutes changed my perspective forever. Michael had some paranoid delusion that I had some ill-fated intentions to write some sort of book about him.

MARTIN BASHIR

(Off Camera) So he accused you of that?

COREY FELDMAN

Right. Which was categorically untrue. And what happened next was basically the way I perceived it is that he threatened my life.

MARTIN BASHIR

(Voice Over) The next day, Jackson shunned him. Feldman later released a song expressing his anger for being dumped by his famous friend. He never saw Jackson again. And yet, despite this, he continued to defend him. But then he saw my interview with Jackson and his young companion at the singer's Neverland Ranch. He says the effect was immediate.

MICHAEL JACKSON

Why can't you share your bed? The most love thing you can do is to share you bed with someone.

COREY FELDMAN

When I watched that, it just gave me knots in my stomach. It just felt very, very wrong.

MARTIN BASHIR

(Voice Over) Feldman had visited Neverland when he was younger. Now, as an adult, he says he thought again about this once magical place of innocence.

MARTIN BASHIR

(Off Camera) What do you think the purpose of Neverland is?

COREY FELDMAN

That's a pretty leading question. I mean, for most men, I think that they would think it would be a great place to visit with their kids for a day and that would be the end of it. For a childlike, imaginative Willy Wonka-type man, it would be the place that dreams with made of. For a child molester, it would be bait.

ANNOUNCER

When "20/20" returns ...

MARTIN BASHIR

(Off Camera) Were you ever shown images by Michael Jackson of naked bodies?

ANNOUNCER

Next

commercial break

ANNOUNCER

"20/20" continues with Martin Bashir.

MARTIN BASHIR

(Voice Over) After undergoing drug rehab in the early '90s, Corey Feldman says he's been clean for a decade. A vegetarian and teetotaler, his career is now benefiting from his improved lifestyle. He's making music with his band the Truth Movement and is acting on the stage this summer New York. He says the last thing he wants is the kind of publicity he's going to get for speaking out. But Feldman says that the birth of his son, Zen, changed his perspective forever. He could no longer remain silent. He says that talking about what happened between him and Michael Jackson has been the toughest experience of his life. So what does he say really happened during the sleepovers with Michael Jackson?

MARTIN BASHIR

(Off Camera) Were you ever shown any images that were inappropriate?

COREY FELDMAN

If you consider it inappropriate for a man to look at a book of naked pictures with a child that's 13 or 14 years old, then your answer would be yes.

MARTIN BASHIR

(Voice Over) When he learned the details of current case and found out that a key piece of evidence is alleged to be a pornographic magazine with two sets of fingerprints on it, Michael Jackson's and the young boy he's accused of molesting, Feldman says he knew he had to reveal his own story.

COREY FELDMAN

Michael and I would talk about him sleeping over at my house. He'd say, do you have any books at your house? Well, what do you mean? What kind of books? He'd say, well, you know, "Playboy," "Penthouse," that sort of thing. As long as there's books there, then I'll come sleep

over. Now, you can take that for what it's worth.

MARTIN BASHIR

(Off Camera) That doesn't prove anything.

COREY FELDMAN

Right

MARTIN BASHIR

(Off Camera) That doesn't prove that Michael Jackson's a pedophile.

COREY FELDMAN

No.

MARTIN BASHIR

(Off Camera) That doesn't prove that he's molested anybody.

COREY FELDMAN

Right

MARTIN BASHIR

(Off Camera) So why does it disturb you now?

COREY FELDMAN

Because when I look at the pieces of evidence and I see that one of the pieces of evidence is Michael Jackson looking at pornographic material with a child, and the child is 13 or 14 years old, and the fact that I witnessed that exact occurrence in my own life, at the same age, has to give me reason to pause and say "if this happened with me and the kid's saying it happened with him, then this can't be all made up, and it can't all be lies, because at least that one little thing right there I know is completely accurate."

MARTIN BASHIR

(Voice Over) Michael Jackson never did come to Corey's home. But he says he did get to go to Disneyland with his idol. They stopped at Michael's home on the way.

COREY FELDMAN

We went to his apartment. And I noticed a book that he had out on his coffee table. The book contained pictures of grown men and women, naked. And the book was focused on venereal diseases and the genitalia. And he sat down with me and he explained it to me. Showed me some different pictures and discussed what those meant. I was kind of grossed out by it. I didn't think of it as a big deal. And for all these years, I probably never thought twice about it. But in light of recent evidence, I have to say that if my son was 13 years old, and went to a man's apartment that was 35, and I knew that they were sitting down together talking about this, I would probably beat his ass.

MARTIN BASHIR

(Voice Over) Feldman says he was never molested by Jackson.

COREY FELDMAN

Michael Jackson never touched me. He never harmed me. And he never harmed any children in front of me.

MARTIN BASHIR

(Voice Over) But Feldman says he's haunted by the similarities between his story and some of the accuser's claims in the current case against Michael Jackson.

MARTIN BASHIR

(Off Camera) So in your case, you were given attention?

COREY FELDMAN

I was given attention.

MARTIN BASHIR

(Off Camera) He found out that you didn't have a happy relationship at home.

COREY FELDMAN

True.

MARTIN BASHIR

(Off Camera) He took you to Disneyland and said you could buy anything you want.

COREY FELDMAN

True.

MARTIN BASHIR

(Off Camera) He showed you pornography. He showed you images of genitalia with sexual diseases. What was he doing, was he grooming you?

COREY FELDMAN

I'd like to think not.

MARTIN BASHIR

(Off Camera) Is it possible that that is what he was doing?

COREY FELDMAN

Of course it's possible.

MARTIN BASHIR

(Off Camera) Is it possible that Michael Jackson is, in fact, a predatory pedophile?

COREY FELDMAN

It is possible.

MARTIN BASHIR

(Off Camera) When you think that, what does that make you feel?

COREY FELDMAN

Nothing but sadness.

MARTIN BASHIR

(Voice Over) Feldman says that for him, speaking out has finally become a responsibility, a duty.

COREY FELDMAN

This child, if he's telling truth, and the other children like him, if they're telling the truth, they're small voices, they're weak voices. I was a child who was a celebrity, who was well known, and I don't think a pedophile of that caliber would be stupid enough to take advantage of that final straw. But with a child that doesn't have a voice, with a child that's weak and has no support, where are the boundaries? So I'm here to say, I hope and I pray that these things never happened, and if they never happened, then there's some real sickness with a lot of people. But if they did happen, then there's a lot of sickness with one person and that person needs to be punished.

JOHN STOSSEL

(Off Camera) Martin, when Michael Jackson was first accused of molesting a child years ago, did the police question Corey Feldman and ask him what you asked him?

MARTIN BASHIR

(Off Camera) They did. In 1993, Michael Jackson and Corey Feldman were known to have been friends and Corey Feldman was interviewed. And one of the things he told me is that that time he was just going through a drug rehabilitation program. He'd been addicted to heroin and cocaine. So he was coming out of that. He was also pretty much on his own because some years earlier, he'd been legally emancipated from his own parents. He says, from an abusive relationship. And he was spending a great deal of time with the Jackson family. And he says that when he went to the police, it was almost as if he was saying what he felt he should say.

JOHN STOSSEL

(Off Camera) So, he didn't talk about the sex magazines?

MARTIN BASHIR

(Off Camera) No, he didn't. He gave very straight but very simple answers. And he never once said, nor does he say now by the way, that he was sexually molested by Michael Jackson.

ELIZABETH VARGAS

(Off Camera) In the meantime, he's scheduled to take the stand against Michael Jackson, in front of Michael Jackson, in a few weeks.

MARTIN BASHIR

(Off Camera) He is. This is one of the things that he finds to be probably the most difficult

experience of his life. He's going to be going before the courts, and giving evidence for the prosecution against a man he once called his best friend.

ELIZABETH VARGAS

(Off Camera) In the meantime, Martin, you're working on a special for next Thursday night on Michael Jackson's private lifestyle.

MARTIN BASHIR

(Off Camera) That's right. This is a journey inside Michael Jackson's secret world. The bizarre, the surprising, the disturbing claims, and some of the boys he befriended.

MARTIN BASHIR

(Voice Over) Two years ago, I started make a documentary about Michael Jackson. He invited me to Neverland several times. And on one occasion, I met the boy who would become his accuser. Not long after our meeting, he claimed that Michael Jackson had molested him. Charges that have put Jackson on trial today. Since that day, I've had to ask myself, could the boy's allegations be true? So I began to look further into Michael Jackson's life and his unusual friendships with children.

ELIZABETH VARGAS

(Off Camera) So Martin will have Michael Jackson's secret world, next Thursday night, February 17th, at 9:00 Eastern time.

JOHN STOSSEL

(Off Camera) Thank you, Martin. And we will be right back.

ANNOUNCER

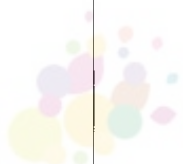
When "20/20" returns, it's party time for UN peacekeepers. But not for the people they're supposed to protect and the babies they father and leave behind.

ANNEKE VAN WOUDENBERG, HUMAN RIGHTS WATCH

What's going to happen to those children?

ANNOUNCER

A "20/20" expose, next.



mjfacts.com commercial break



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com

Exhibit "D"



mjfacts.com



mjfacts.com

1 PRIMETIME LIVE MICHAEL JACKSON'S SECRET WORLD

2 February 17, 2005

3 BODY:

4 ANNOUNCER

5 In addition to our own reporting, this program contains excerpts from a documentary made by a
6 British production company which aired in the UK three weeks ago. Some of the individuals who
7 appeared in that documentary received compensation for their participation. No payment was made
8 for any of the interviews conducted by Martin Bashir or ABC News.

9 ANNOUNCER

10 Tonight, it started with his own words. Words that made the world take notice. Really take notice.

11 MICHAEL JACKSON, ENTERTAINER

12 Why can't you share your bed?

13 ANNOUNCER

14 Was it an innocent loving friendship, or something much darker? As the trial of the century gears
15 up, Martin Bashir returns to the secret world of Michael Jackson, exploring his pattern of unusual
16 friendships with much younger boys, that began more than 20 years ago. You'll hear from his
17 detractors.

18 MAUREEN ORTH, JOURNALIST

19 As soon as they appear to be a little bit more into puberty.

20 DIANE DIMOND, JOURNALIST

21 He just moves on to the next, little special friend.

22 ANNOUNCER

23 And his defenders.

24 J. RANDY TARABORRELLI,

25 MICHAEL JACKSON BIOGRAPHER

26 Michael Jackson is not a child molester.

27 ANNOUNCER

28 You'll hear from boys who say nothing improper ever happened between them.

29 JUJU, FRIEND OF JACKSON

30 He's like the most best person ever met.

31 ANNOUNCER

32 And boys now grown up, who say something did.

1 TERRY GEORGE, FORMER CHILD FRIEND

2 "I Had Phone Sex with Jacko," is what the press wrote.

3 ANNOUNCER

4 Plus, the child stars Jackson befriended. And the boy behind a reported \$25 million payoff.

5 RAY CHANDLER, UNCLE OF 1993 ACCUSER

6 I think he wanted to sleep with my nephew from the moment he saw him.

7 ANNOUNCER

8 Now, a new look at Neverland, with the man whose documentary ignited a firestorm. A 2-hour
9 special that picks up where "Living with Michael Jackson" left off two years ago. As Martin Bashir
takes a closer look at "Michael Jackson's Secret World."

10 graphics: Michael Jackson's secret world

11 MARTIN BASHIR, ABC NEWS

12 (Voice Over) Over two years ago, I started making a documentary about Michael Jackson.

13 MICHAEL JACKSON

14 Bought this ...

15 MARTIN BASHIR

16 I saw some extraordinary things.

17 MICHAEL JACKSON

18 ... bought this one ...

19 MARTIN BASHIR

20 We went shopping.

21 MICHAEL JACKSON

22 I bought that. This one. And these. We got these, right?

23 MARTIN BASHIR

24 (Voice Over) We raced go-carts. I met his children. And his baby. And then, I went back to
25 Neverland. Do you come out here on your own?

26 MICHAEL JACKSON

27 Yeah.

28 MARTIN BASHIR

(Voice Over) What happened over the next few hours would forever change the lives of everyone

1 who was there.

2 MICHAEL JACKSON

3 Why can't you share your bed? The most loving thing to do is to share your bed with someone. You
4 can have my bed if you want. Sleep in it. I'll sleep on the floor. You can -it's yours. Always give the
best to the company, you know. Like, to him, I said -'cause he was going to sleep on the floor. I said,
no, you sleep in the bed. I'll sleep on the floor.

5 MARTIN BASHIR

6 (Off Camera) But haven't you got a spare room or a spare house here where he could have stayed?

7 MICHAEL JACKSON

8 Yeah, but no -yes. We have guest units, but whenever kids come here, they always want to stay with
9 me.

10 MARTIN BASHIR

11 (Voice Over) I could never have foreseen what consequences that encounter would have. The young
12 boy I interviewed that day would later allege that Michael Jackson abused him. I've had to ask
myself, could his allegations of what happened after that day be true? So, I went back to the
beginning. I was about to enter the secret world of Michael Jackson. Once again, this would be a
13 journey into the surprising, the unusual and the bizarre. It's a world in which Michael Jackson has
shared his wealth, his home, sometimes even his bedroom, with much younger boys. Were these
14 relationships innocent, as Jackson and many of the boys say? Or were some of them criminal, as at
least two boys have alleged? It began when he was little more than a boy himself.

15 LATOYA JACKSON, SISTER

16 He really didn't have, and I know that everybody knows this. He really didn't have much of a childhood.

17 MARTIN BASHIR

18 (Voice Over) Michael says his childhood was scarred by the pressures of early stardom and the close
19 attentions of his violent father, Joe.

20 DINAH SHORE, TALK SHOW HOST

21 ... take any of them over your knee, or use any other methods of disciplining this lively group you've
got here?

22 LATOYA JACKSON

23 He was a disciplinarian. And when I say disciplinarian, I mean, if he felt you did something wrong,
24 then of course, he would spank you.

25 MARTIN BASHIR

26 (Voice Over) When I interviewed Michael Jackson, he told me his father had made his life
desperately unhappy.

27 MARTIN BASHIR

28 (Off Camera) How often would he beat you?

1 MICHAEL JACKSON

2 Too much.

3 MARTIN BASHIR

4 (Off Camera) Would he only use a belt?

5 MICHAEL JACKSON

6 Why do you do this to me? No. More than a belt. When he would catch me, oh, my God. It was bad.

7 JOSEPH JACKSON, FATHER

8 I have a way, you know.

9 DINAH SHORE

10 What about Michael? If Michael -Michael always does right?

11 LATOYA JACKSON

12 Strict. Why can't, why do we have to do this? And we can't do that. But that's, that's part of growing
13 up.

14 MARTIN BASHIR

15 (Voice Over) According to Jackson, he didn't want to grow up. He craved the childhood he'd never
16 had. Michael Jackson was reluctant to join the adult world. When I asked Jackson about dating
Tatum O'Neill, he told me that at the time, the idea of sex had terrified him.

17 MICHAEL JACKSON

18 She told me to go over and lie on the bed. And I did. And I laid on the bed. And she slowly walked
19 over. And she touched the button on my shirt to open it. And I took my hands like this. And I
wouldn't let them down. And she just walked away. She knew I was too shy for it. That's what happened.

20 MARTIN BASHIR

21 (Off Camera) Did you not feel tempted at all? You just felt frightened?

22 MICHAEL JACKSON

23 I was frightened. I was afraid.

24 MARTIN BASHIR

25 (Voice Over) In Tatum O'Neill's recent book, she denies trying to seduce Jackson. Whatever his
26 experience with girls, he would soon begin a series of friendships with boys much younger than
himself. Jackson's sister says all these relationships were entirely innocent.

27 LATOYA JACKSON

28 He's always had lots of friends, all ages. And then he had younger kids that were friends. Because,
you have to remember, Michael was so loved by everybody, which he still is, in the world. That

1 everybody wanted to be around him.

2 J. RANDY TARABORRELLI

3 He feels very strongly that he missed out on his childhood. And one of the ways that he feels that he
4 can recapture his youth is by associating with, you know, young kids.

5 MARTIN BASHIR

6 (Voice Over) Terry George claims he was one of those boys.

7 TERRY GEORGE

8 When I was round about the age of 13, I was a little bit cheeky. But I think I was a little bit naive,
as well, looking back.

9 MARTIN BASHIR

10 (Voice Over) Terry George says he was 13 and a keen collector of celebrity interviews, when he met
11 Michael, in Leeds, in the north of England. For the rest of the Jacksons, it was just another stop on
their 1979 European tour. But for Michael, says Terry George, it was a chance to make a new friend.

12 TERRY GEORGE

13 What is your name?

14 MICHAEL JACKSON

15 Michael Jackson.

16 MAUREEN ORTH

17 Michael would tour all over the world. There were little boys everywhere that would come to the hotels.

18 TERRY GEORGE

19 And what is your job?

20 MICHAEL JACKSON

21 I'm a singer.

22 TERRY GEORGE

23 I didn't really mingle with other people. And I didn't really have a lot of friends then.

24 MARTIN BASHIR

25 (Voice Over) Determined to interview his idol, Terry says he found out where the Jacksons were
26 staying. Then, armed with Michael's hotel room number and a tape recorder, he simply knocked on
his door.

27 TERRY GEORGE

28 What do you like most? Things that you like?

1 MICHAEL JACKSON

2 I like kids a lot.

3 TERRY GEORGE

4 Wow. Certainly a lot smaller than it ever was. It's, feels like it's been totally restructured. Michael
5 said, who is it? And I said, hi, my name's Terry, I've come to do an interview. And then he opens the
6 door and says, oh. Looked a bit shocked to see me, really. He was probably looking at this level. I
was down here somewhere. I came into the room and I was, sat on this bed here. 'Cause I can't
seemed much bigger as well, 'cause I had my tape recorder down there.

7 MARTIN BASHIR

8 (Voice Over) Terry George says that at the end of the interview, he and Michael Jackson swapped
9 phone numbers.

10 TERRY GEORGE

11 You know, him giving me his number and asking for mine didn't really feel strange at all. It was
12 great. It was a thrill. It was, you know, I was happy to be in touch with a celebrity.

13 MARTIN BASHIR

14 (Voice Over) After the tour left Britain, Terry George says that Michael Jackson started calling two
15 or three times a week. And they had friendly conversations about their lives.

16 TERRY GEORGE

17 His calls came quite late at night. Normally, anything from 11:00 in the evening, 10:00 in the
18 evening, right through to 5:00 in the morning on some occasions.

19 MARTIN BASHIR

20 (Voice Over) And then, one night, he says Michael made a call that Terry has never forgotten.

21 TERRY GEORGE

22 "I Had Phone Sex with Jacko," is what the press wrote.

23 MARTIN BASHIR

24 (Voice Over) I met with Terry George to hear his account of what really happened that night.

25 TERRY GEORGE

26 He spoke about masturbation. About him masturbating. Did I masturbate? I never saw it coming. It
27 wasn't something I expected. Just came out of the blue, really. He said, would you believe I'm doing
28 it now? And let me hear him on the telephone. I could hear it.

29 MARTIN BASHIR

30 (Off Camera) And what do you think he meant by that?

31 TERRY GEORGE

1 I knew what he meant by that 'cause he was talking about, he was talking about masturbation. I did
2 feel uncomfortable. I can remember feeling uncomfortable. I felt awkward.

3 MARTIN BASHIR

4 (Off Camera) What were your thoughts when you put the phone down?

5 TERRY GEORGE

6 I thought that I didn't react as he wanted me to react. And I thought that perhaps, he would never call
7 me again or I wouldn't hear from him again. You know, in hindsight, looking back at it now, I know
8 that that type of conversation probably should never have happened, you know. It probably wasn't
9 natural.

10 MARTIN BASHIR

11 (Voice Over) Terry George says there were no more sexual conversations. In time, the two lost
12 touch. Terry George's friendship with Michael Jackson was over. A source close to the Jackson camp
13 said Terry George's story isn't true. In the past, he has sold his story to the press. All this is an old,
14 unsubstantiated accusation. Some people who've investigated Michael Jackson, say he ultimately
15 rejects many of his young friends.

16 DIANE DIMOND

17 Michael Jackson changes his phone numbers. He's not available on the telephone anymore.

18 MAUREEN ORTH

19 As soon as they appear to be a little bit more into puberty or that they have gotten their first facial
20 hair ...

21 DIANE DIMOND

22 He just moves on to the next little special friend.

23 MARTIN BASHIR

24 (Voice Over) But soon, Michael would want to take one of his friends out before America's press,
25 on a double date with one of the world's most beautiful women.

26 ANNOUNCER

27 When we return, the public's first look at an unusual threesome. Including a child star half Michael
28 Jackson's age.

29 J. RANDY TARABORRELLI

30 He basically had Brooke Shields there as his date. But he had Emmanuel, you know, sort of in his
31 arms.

32 graphics: michael jackson's secret world

33 ANNOUNCER

34 Next.

1 commercial break

2 MARTIN BASHIR

3 (Voice Over) For the superstar who calls himself Peter Pan, the transition from child sensation to
adult pop idol wasn't easy.

4 MICHAEL JACKSON

5 I'm most comfortable on stage than any place in the world. Being around, you know, everyday people
6 and stuff, I feel strange. I do.

7 LATOYA JACKSON

8 He went through this phase in his life when he became extremely shy and totally changed. Totally
changed his demeanor. He didn't want to see people. And he just became a totally different person.

9 MARTIN BASHIR

10 (Voice Over) Michael Jackson told me about this difficult period in his life.

11 MICHAEL JACKSON

12 And one cousin would always, you know, go like this to me when he'd see me. Like, wanna pop my
13 pimples. I would just go to the bedroom and cry, you know.

14 MARTIN BASHIR

15 (Off Camera) Is it true that your father used to say you had a fat nose?

16 MICHAEL JACKSON

17 Yeah.

18 MARTIN BASHIR

19 (Off Camera) What did he say? What did he actually say?

20 MICHAEL JACKSON

21 "God, your nose is big. You didn't get it from me."

22 MARTIN BASHIR

23 (Off Camera) What does that do to someone who is going through adolescence?

24 MICHAEL JACKSON

25 You want to die. You want to die. And on top of it, you got to go on stage in the spotlight, in front
of hundreds of thousands of people and just, God. It's hard. I would have been happier wearing a mask.

26 MARTIN BASHIR

27 (Voice Over) At 21, Jackson was about to become a fully-fledged superstar. But a friendship with
28 a boy was about to startle the world. This video, "Don't Stop 'Til You Get Enough," helped launch
Michael's solo career. And he looks like a man who's breaking free.

1 J. RANDY TARABORRELLI

2 And when you watch Michael, you'd like to think that he was enjoying it, too. In fact, it was one of
3 the darkest times of Michael Jackson's life.

4 MARTIN BASHIR

5 (Voice Over) In the midst of his private pain, Jackson was in public demand. And music's brightest
6 new star was about to go on a date with Brooke Shields, America's most-desirable young woman.
7 But in his private life, Michael's new best friend was the tiny child star, Emmanuel Lewis.

8 EMMANUEL LEWIS, ACTOR

9 Regardless of how old we were in real life, -we're not going to get older. That was just our frame of
10 mind. We were Peter Pan.

11 MARTIN BASHIR

12 (Voice Over) The 3-foot star was invited down to the set of Jackson's new video, "Thriller," and met
13 Michael while he was having his make-up done.

14 EMMANUEL LEWIS

15 And he's like, are you afraid of me, you know. Of course not, you're Michael Jackson.

16 MARTIN BASHIR

17 (Voice Over) But according to a Jackson biographer, some members of Jackson's family were
18 becoming concerned about how the world would view this friendship.

19 J. RANDY TARABORRELLI

20 The two of them are rolling around on the grass and playing, playing games with each other.

21 LATOYA JACKSON

22 They would do all the "Thriller" moves together. It was so cute. So adorable. Do all those little things
23 together. And, no, there were no questions about it because it was a wonderful friendship.

24 MARTIN BASHIR

25 (Voice Over) By 1984, Michael's second album, "Thriller" was well on its way to being the best-
26 seller of all-time. He was nominated for 12 Grammy Awards and was all set to be crowned king of
27 pop. But choosing his date for the ceremony, Jackson faced a dilemma, whom to take?

28 LATOYA JACKSON

I recall Brooke being over to the house and asking Michael if she could go with him to the awards.

J. RANDY TARABORRELLI

Michael was, you know, a little bit lukewarm on that. He liked her. But he liked Emmanuel better.

LATOYA JACKSON

1 He didn't want to say no. So, he had two dates.

2 MARTIN BASHIR

3 (Voice Over) But here, in a scene from Fox Broadcasting's Michael Jackson's private home movies,
4 just before he swept the board at the Grammys, he's seen arriving at the ceremony with Brooke on
one arm and Emmanuel on the other.

5 EMMANUEL LEWIS

6 I didn't know the, the magnitude of, of how great this moment was going to be in history. You know,
7 you just, you just didn't know.

8 MARTIN BASHIR

9 (Voice Over) The extraordinary spectacle was seen around the world.

10 DIANE DIMOND

11 You can imagine the surprise and shock that everybody felt that Michael Jackson and Brooke Shields
12 were a couple, with Emmanuel Lewis?

13 J. RANDY TARABORRELLI

14 He basically had Brooke Shields there as his date. But he had Emmanuel, you know, sort of in his
15 arms.

16 MARTIN BASHIR

17 (Voice Over) One look at this threesome, and some people wondered about Jackson's relationships.
18 People wanted to know why Michael Jackson was hanging around with a boy less than half his age.
19 But according to Emmanuel, this was just an innocent friendship.

20 EMMANUEL LEWIS

21 I mean, all we did was watch, you know, comedy or cartoons. Could anything negative happen
22 between the two of us? The answer -to that question, your question, is Hell, no.

23 DIANE DIMOND

24 When Emmanuel Lewis suddenly started showing up in public with Michael Jackson, that was as
25 if the water had burst over the dam. After that, the pattern began that we always saw Michael with
26 a young male friend at his side, almost always.

27 MARTIN BASHIR

28 (Voice Over) Life was about to get even stranger in Michael Jackson's secret world.

ANNOUNCER

Up next, with look-alike outfits, the mini-Michaels begin to multiply.

J. RANDY TARABORRELLI

You know, the glove. The spin.

1 DIANE DIMOND

2 The little coats. The fedora hats.

3 J. RANDY TARABORRELLI

4 The pants that were too short. Then the sequin socks.

5 graphics: michael jackson's secret world

6 ANNOUNCER

7 When we return

8 commercial break

9 RONALD REAGAN, FORMER US PRESIDENT

10 Well, isn't this a thriller?

11 MARTIN BASHIR

12 (Voice Over) Michael Jackson was now a megastar. Attracting plaudits from presidents.

13 MICHAEL JACKSON

14 I'm very, very honored. Thank you very much, Mr. President.

15 MARTIN BASHIR

16 (Voice Over) His relationship with boys looked like just one more eccentricity from a man who was becoming famous for being odd.

17 DIANE DIMOND

18 There's always been so many eccentric things going on around Michael Jackson, that almost lost in the background were these little boys that were always there.

20 MARTIN BASHIR

21 (Voice Over) What people didn't know was that Jackson had been splashing cash on extravagant gifts for his new young friend and his family. One of the first boys to benefit from Michael's new-found wealth was the son of a Californian garbage man, 10-year-old Jimmy Safechuck. The young actor was picked by Jackson to star in this glossy commercial, designed specifically to appeal to kids, in which Michael's image became indelibly linked to children. And Jimmy appeared as his clone.

24 J. RANDY TARABORRELLI

25 Well, the interesting thing about Jimmy Safechuck is that he was actually the first mini-Michael.

26 MARTIN BASHIR

27 (Voice Over) Jackson was so enchanted by his new mini-Michael, he took Jimmy on the road to tour his next album, "Bad." The boy and Jackson even dressed in identical outfits.

28 DIANE DIMOND

1 I don't know whose idea it was to start dressing these boys like Michael.

2 MARTIN BASHIR

3 (Voice Over) Looking like Michael became part of the patent for some of Jackson's young friends.

4 J. RANDY TARABORRELLI

5 You know, the glove. The spin.

6 DIANE DIMOND

7 The little coats. The fedora hats.

8 J. RANDY TARABORRELLI

9 The pants that were too short. Then the sequin socks.

10 DIANE DIMOND

11 It starts to make you wonder, who's making them dress that way? Do they want to dress that way or
12 does Michael insist that they dress that way?

13 MARTIN BASHIR

14 (Voice Over) One of the dancers who toured with Michael Jackson, says the family didn't approve
15 when Jackson reportedly took Jimmy and his family on a shopping spree.

16 TATIANA THUMBIZEN, DANCER

17 The whole family, even Joseph, they, they didn't like it. They didn't think it was right.

18 DIANE DIMOND

19 The family was aghast. You buy them a little outfit to wear. You take them on a trip. That's fine. But
20 you buy them a house? You buy them two luxury automobiles?

21 LATOYA JACKSON

22 When you put enough out there it looks a certain way. However, at the same time, when you're
23 innocent, you don't think anything of it. It's just a gift. And it's like, enjoy it, have fun.

24 DIANE DIMOND

25 I saw the Safechuck's lifestyle change. I read their credit report. I saw what they did for a living
26 before Michael Jackson came into their life. Then I saw the way they were living afterward. And it
27 wasn't just this child appearing in one video with Michael Jackson that gave them all that money.

28 MARTIN BASHIR

(Voice Over) Dimond says there might have been another explanation, such as a business loan.
Jimmy Safechuck has not alleged any wrongdoing by Jackson. Supporters of Jackson say his
extravagance toward some of these boys just reflects his widespread generosity.

J. RANDY TARABORRELLI

1 I've known Michael Jackson. And I just know how he is with people. And how he is with families
2 of the people that, you know, come into his life. I mean, he, he's been generous to a fault.

3 MARTIN BASHIR

4 (Voice Over) But just like previous boys in Michael's life, Jimmy Safechuck's days as a favorite were
5 numbered. With his family, he went to visit his old friend, Michael. But two former Michael Jackson
employees say the star didn't even turn up.

6 PHILIPPE LE MARQUE, FORMER NEVERLAND EMPLOYEE

7 I sit at the table, like Michael is going to be there, you know, at dinner. And he did that for the whole
8 weekend. But she said, you ...

9 STELLA LE MARQUE, FORMER NEVERLAND EMPLOYEE

10 Yeah, he, he was not coming. Yeah. He was in Los Angeles.

11 PHILIPPE LE MARQUE

12 Just don't tell him that he's not coming. That's all.

13 DIANE DIMOND

14 Jimmy Safechuck, like so many others that I have come across, just simply got too old.

15 STELLA LE MARQUE

16 Too old.

17 PHILIPPE LE MARQUE

18 Too old.

19 MARTIN BASHIR

20 (Voice Over) For his record-buying public, Jackson was portrayed as a heterosexual predator with
the video for his latest hit, "The Way You Make Me Feel."

21 TATIANA THUMBTZEN

22 The feeling and the mood was just kind of sexy. I think with me strutting in this tight dress and, you
23 know, Michael chasing after me. That was the first video where the public saw Michael for the first
time as a believable heterosexual male.

24 J. RANDY TARABORRELLI

25 He actually looks, you know, hot and sexy and sexual. And there's a chemistry between him and Tatiana.

26 MARTIN BASHIR

27 (Voice Over) But in private, Michael Jackson continued to have friendships with boys, which
28 sometimes included their whole families.

MAUREEN ORTH

1 The way he does it is to just make them feel that he just adores them and loves them all.

2 MARTIN BASHIR

3 (Voice Over) One of Michael Jackson's young friends claims that Jackson stayed at his home and
4 won the trust of the entire family.

5 "GEOFFREY", FORMER CHILD FRIEND

6 He adopted my family. He started becoming more and more attached to my family as a whole, rather
7 than just me individually. This is the first letter that I ever got from him.

8 MARTIN BASHIR

9 (Voice Over) This man, we'll call him Geoffrey, had been nine when he sent Jackson a poem. The
10 star began writing.

11 "GEOFFREY"

12 "Hi. How is my best little friend in the whole world doing?"

13 MARTIN BASHIR

14 (Voice Over) Years later, when Geoffrey was 15, he says Jackson called him out of the blue and
15 invited him to his hideout in LA.

16 "GEOFFREY"

17 My parents dropped me off at his, you know, his, like, assistant's house. And, so, you know, we went
18 in the car and drove to the secret spot. I would get butterflies in my stomach. I mean, it was, it was
19 unbelievable. We parked down here. And then there's an entrance there where it enables you to go
20 up to the room there. And so, that's what we did.

21 MARTIN BASHIR

22 (Voice Over) That night, he says they watched TV and played video games. But he claims that
23 eventually, Jackson befriended his entire family.

24 "GEOFFREY"

25 We opened up our family to him. And he was kind of another member of the family. And he got to
26 experience what a family atmosphere was about. And I, I think that that isn't something that he ever
27 had himself.

28 MARTIN BASHIR

(Voice Over) Geoffrey says that several times, one of the most famous men in the world drove out
of Los Angeles to stay in his spare room.

"GEOFFREY"

He'd arrive, like, around 6:00. The lights would all be dimmed or off. Then, we'd put on a video or
two and watch the video of him. You'd be surprised at how much Michael Jackson stuff Michael was
actually interested in watching.

1 MARTIN BASHIR
 2 (Voice Over) Even for a huge fan of Michael Jackson, he says his visits could be tiresome.
 3 "GEOFFREY"
 4 I mean, our whole family catered to him. If he wanted to go to bed, well, Michael needs to go to bed.
 5 He had his breathing exercises. You know, he has to take a certain pill at a certain time. You know,
 6 and it just, I mean, it all, the whole thing, it was the Michael Jackson show.
 7 MARTIN BASHIR
 8 (Voice Over) Like Jimmy Safechuck and Emmanuel Lewis, Geoffrey says that nothing sexual
 9 happened between him and Michael Jackson. They were just good friends.
 10 ANNOUNCER
 11 When we come back, what attracted Michael Jackson to megastar Macaulay Culkin?
 12 DIANE DIMOND
 13 Michael Jackson marveled. Look at the pouty smile. Look at those lips. He always pointed to people,
 14 "Look at his lips, I love the pouty smile."
 15 graphics: michael jackson's secret world
 16 ANNOUNCER
 17 commercial break
 18 MARTIN BASHIR
 19 (Voice Over) Corey Feldman was one of Michael Jackson's best-known young friends. The star of
 20 dozens of Hollywood blockbusters as a child, he was delighted to become part of Jackson's inner
 21 circle. It was a relationship that began at the height of Michael Jackson's fame. Riding the success
 22 of "Thriller," he was idolized by millions. Corey Feldman, among them. Feldman had started in
 23 "Gremlins" and later "Stand By Me." And "The Lost Boys."
 24 MARTIN BASHIR
 25 (Voice Over) By 13, he was already a teen idol himself. Feldman finally got his chance to meet
 26 Jackson on the set of the '80s smash hit movie, "The Goonies." Michael Jackson called him late that
 27 night. Feldman says they spoke for two hours, and a friendship between a man and a boy began.
 28 Corey Feldman says that attention from a superstar like Jackson was hugely important to him. He
 29 became obsessed with the star, dancing like him, even dressing like him. At the time, he says
 30 Jackson was the most important person in his life. But when I met him earlier this month, he claimed
 31 that there was a disturbing side to their relationship. Jackson suggested he would sleep over in his
 32 home only if he had pornographic magazines there. Feldman also says he noticed a book on
 33 Jackson's coffee table. The book contained pictures of naked men and women. He said Jackson sat
 34 down, showing him the pictures. He said the book was focused on venereal diseases and genitalia.
 35 Feldman has stood up for Jackson on many occasions since that time. Most recently in 2003.

1 (Voice Over) However, the two had fallen out for good a few years earlier. And he's recently re-
2 evaluated their relationship. Feldman says that he was never molested by Jackson. Like many other
3 children before him, as Corey got older, he says he had to leave Michael Jackson's secret world.
4 Corey Feldman was subpoenaed to testify at Jackson's molestation trial. He's now named as a witness
5 for both the prosecution and the defense. By 1987, Jackson was the world's most popular entertainer.
6 His personal wealth was estimated at \$100 million. But the 29-year-old superstar was still living at
7 home with his parents. He decided to buy a place of his own, to finally create his private world.

8 CAROLE LIEBERMAN, PSYCHIATRIST

9 By creating Neverland, Michael was able to live his fantasy of being Peter Pan.

10 MICHAEL JACKSON

11 Peter Pan, to me, represents something that's very special in my heart. You know, he represents
12 youth, childhood, never growing up, magic, flying. Everything I think that children, and wonderment
13 and magic, what it's all about. And to me, I just have never ever grown out of loving that or thinking
14 that it's very special.

15 MARTIN BASHIR

16 (Off Camera) You identify with him?

17 MICHAEL JACKSON

18 Totally.

19 MICHAEL JACKSON

20 (Off Camera) You don't want to grow up?

21 MICHAEL JACKSON

22 No. I am Peter Pan.

23 MARTIN BASHIR

24 (Off Camera) You know, you're Michael Jackson.

25 MICHAEL JACKSON

26 I'm Peter Pan in my heart.

27 LATOYA JACKSON

28 He wanted to put the whole Disney thing in our house. And my mother wouldn't let him. So, he says,
29 I'm gonna buy this property, I'm gonna do what I want to do.

30 MARTIN BASHIR

31 (Voice Over) I spent many weeks at Neverland with Michael Jackson. And in many ways, it was a
32 magical place. Children's music filled the air. There was a fairground and a zoo. Even its own
33 railway line. When I was there, a group of children was invited to play and enjoy all of the amenities
34 free of charge.

35 MICHAEL JACKSON

1 Can I have one, too?

2 MARTIN BASHIR

3 (Voice Over) In 1988, Michael Jackson began building Neverland, his private children's paradise.
4 I visited Neverland with Michael. And he said it was there to allow him to enjoy the childhood he
5 never had.

6 MARTIN BASHIR

7 (Off Camera) Michael Jackson versus Martin Bashir ...

8 MICHAEL JACKSON

9 Okay ...

10 MARTIN BASHIR

11 (Off Camera) In the go-cart land of Neverland.

12 MARTIN BASHIR

13 (Voice Over) Michael Jackson invited me go-carting on his specially-built track. His child-like
14 enthusiasm was obvious.

15 MICHAEL JACKSON

16 Hey. He's cheating. He's cheating.

17 MARTIN BASHIR

18 (Voice Over) At Christmas 1990, he met someone he wanted to share his paradise with. And that
19 meant not just sharing his home, but sharing his bedroom. When Michael saw the movie "Home
20 All" at Christmas, he asked his housekeeper to contact its young star, Macaulay Culkin.

21 film clip of home alone

22 PHILIPPE LE MARQUE

23 And Michael saw the movie. And he asked Norma to have him brought over and spend some time
24 at the ranch.

25 MARTIN BASHIR

26 (Voice Over) Some of the Neverland staff thought Michael was clearly taken by the 10-year-old
27 child star, his most high-profile young friend to date.

28 PHILIPPE LE MARQUE

Why he liked Michael. The kid, the kid is cute.

STELLA LE MARQUE

The kid was cute at the time. Very, very cute, yeah.

1 DIANE DIMOND

2 Michael Jackson marveled, "look at the pouty smile. Look at those lips." He always pointed to
3 people, "look at his lips. I love the pouty smile."

4 MARTIN BASHIR

5 (Voice Over) Michael gave Macaulay Culkin the run of his new home.

6 J. RANDY TARABORRELLI

7 They had food fights. And, you know, and, and a lot of, you know, great fun.

8 MARTIN BASHIR

9 (Voice Over) Michael often filmed his new best friend. They're shown here in this clip from Fox
10 Broadcasting's "Michael Jackson's Private Home Movies." Playing together, as if they're both children.

11 DIANE DIMOND

12 There are video games. There are animals. There are trains.

13 PHILIPPE LE MARQUE

14 They play all day long. And they would watch movies.

15 DIANE DIMOND

16 Anything and everything you want. And it's open 24 hours a day, seven days a week.

17 MARTIN BASHIR

18 (Voice Over) And now, Michael didn't have to be parted from his young friend day or night. But
19 according to Macaulay and Michael Jackson, nothing improper or sexual ever took place.

20 MACAULAY CULKIN, ACTOR

21 People, that's really what they kind of don't get, is that it's, you know, he has this bedroom. But at
22 the same time, it's two stories. But, yeah, and it wasn't anything like, weird. It wasn't anything we
23 thought about. We'd go to the movies. And we'd do this, we'd do that. And it's like, okay, you know,
24 you just, you plop down, you go to sleep. You wake up. You know, it's like, it was just kind of what
25 friends do. I've slept in the same bed as, like, you know, a bunch of my friends. It's kind of just what
26 happens, you know.

27 MICHAEL JACKSON

28 And I have slept in a bed with many children. I sleep in the bed with all of them. When Macaulay
Culkin were little, -Kieran Culkin would sleep on this side, Macaulay Culkin's on this side, his
sisters in there. We're all were just jammed in the bed. Then we'd wake up at like dawn and go in the
hot air balloon. You know, we would, we have the footage. We, I have all that footage.

MARTIN BASHIR

(Off Camera) But is that right, Michael?

MICHAEL JACKSON

1 It's very right. It's very loving. That's what the world needs now, more love.

2 MARTIN BASHIR

3 (Voice Over) From now on, it would become normal for some of Michael Jackson's friends to share
4 his bedroom.

5 ANNOUNCER

6 When we return, the boy who imitated Michael Jackson, traveled with him and accused him of
7 molesting him. Claims of a slow and steady seduction, according to his uncle.

8 RAY CHANDLER

9 I hate to use the word "love" but in Michael's mind, perhaps that's what it was, love at first sight.

10 graphics: michael jackson's secret world

11 ANNOUNCER

12 Next

13 commercial break

14 ANNOUNCER

15 In addition to our own reporting, this program contains excerpts from a documentary made by a
16 British production company which aired in the UK three weeks ago. Some of the individuals who
17 appeared in that documentary received compensation for their participation. No payment was made
18 for any of the interviews conducted by Martin Bashir or ABC News.

19 ANNOUNCER

20 Tonight, you thought you'd heard the whole story, but you've never seen it laid out like this. Deep
21 inside the secret world of Michael Jackson. From the explosive documentary by Martin Bashir that
22 ignited a worldwide firestorm, and the shocking words about boys in his bed.

23 MICHAEL JACKSON

24 It's very loving. That's what the world needs now.

25 ANNOUNCER

26 To the trial of the century, we'll tell both sides of the story.

27 AHMED ELATAB, FRIEND OF JACKSON

28 They know he's not a child molester. All that stuff is crap.

RAY CHANDLER

The psychiatrist asked what was the worst thing that's ever happened to you in your life, and he said,
"meeting Michael Jackson."

ANNOUNCER

1 For the first time you'll hear portions of graphic tapes made to a psychiatrist by the first boy to accuse
2 the pop star. Plus, Macaulay Culkin, Lisa Marie Presley, and the most recent accusations from the
3 boy who used to be at Jackson's side. As Martin Bashir guides you through "Michael Jackson's
Secret World."

4 graphics: michael jackson's secret world

5 MARTIN BASHIR

6 (Voice Over) Michael Jackson had built Neverland, his Peter Pan paradise. Macaulay Culkin had
7 some to stay. And other children would also share Michael Jackson's bedroom. And for the moment,
many parents were happy to let them.

8 MAUREEN ORTH

9 Because it's Michael Jackson and he's a celebrity, people's judgments seems to fly out the window.
10 Particularly these parents.

11 MARTIN BASHIR

12 (Voice Over) Despite some raised eyebrows, no one publicly had seriously questioned Jackson's
13 relationship with boys. But he was about to meet the boy who'd change his fate forever. By 1993,
14 Jackson's career had gone stratospheric. At the age of just 35, he was now one of the richest, most
powerful men on the planet. His friendships with young boys had set him on a collision
course. And Michael's next young favorite would bring the megastar crashing to the ground, in full
public view.

15 RAY CHANDLER

16 The psychiatrist asked, what was the worst thing that's ever happened to you in your life? And he
17 said, "meeting Michael Jackson."

18 MARTIN BASHIR

19 (Voice Over) Ray Chandler is the one close member of the Chandler family who isn't bound by a
20 confidentiality agreement, following his nephew's claims of sexual abuse in 1993. He did not witness
the events that follow. But he says they were described to him by the boy and his father. Obsessed
with Michael Jackson four years before they met, the boy already wanted to look and dance just like
Michael.

21 J. RANDY TARABORRELLI

22 It was inevitable that Michael was going to meet some boy whose family was then going to try to
23 bring him down. It had to happen.

24 MARTIN BASHIR

25 (Voice Over) The 12-year-old boy came from a broken home. And like many of Michael's previous
26 friends, was unusually good-looking.

27 RAY CHANDLER

28 Very smooth skin. Very fine, smooth features.

DIANE DIMOND

1 You would pass him in the street and you would have to stop and look at him. He was so beautiful.

2 MARTIN BASHIR

3 (Voice Over) Ray Chandler says, to begin with, there was nothing remarkable about the friendship.
4 Michael exchanged numbers. And as usual, began calling the boy.

5 RAY CHANDLER

6 Here's a 12-year-old boy, taking the phone and going into his bedroom and closing the door.
7 Something he had never done before. He hadn't dated any girls. This is something, you know, you
8 expect that two puppy love, two young teenagers that take the phone in their room, you know.

8 MARTIN BASHIR

9 (Voice Over) Then, he says Michael invited the family to Neverland.

10 RAY CHANDLER

11 What was significant was the ride to Neverland. Michael's in the front with the chauffeur. Sitting on
12 Michael's lap is a young boy about 12-years-old. On their way up to Neverland, and, and my nephew
13 testified about this, Michael was caressing this boy in, in a clearly sensual way. Kissing him on the
14 cheeks, on the neck. Caressing him. It was, it was overtly sexual.

13 MARTIN BASHIR

14 (Off Camera) So, why was he doing it?

15 RAY CHANDLER

16 I believe it was a test. The purpose is, look, is this mother, is this child going to be repulsed? Is the
17 mother going to say, "turn this, turn this limousine home, take me home." Or is she going to be polite
18 and go through the weekend but never go back again?

18 MARTIN BASHIR

19 (Voice Over) The boy, his sister and his mother, joined Michael Jackson on an all-expenses paid trip
20 to Las Vegas. At this point, the boy says, the sleepovers began.

21 DIANE DIMOND

22 Michael rented the very, very scary movie, "The Exorcist."

23 RAY CHANDLER

24 He played it and the boy was scared. And so, Michael suggested that he just spend the night in his
25 room, rather than sleep alone.

26 MARTIN BASHIR

27 (Voice Over) The boy would later tell a psychiatrist, brought in to evaluate his claims, everything
28 that he said followed. The sessions were recorded. I listened to those tapes with the boy's uncle, Ray
Chandler. Tonight, you can hear some of those tapes for the very first time. If the boy is telling the
truth, they detail a slow and steady seduction that took place over months.

1 RAY CHANDLER

2 I think he wanted to sleep with my nephew from the moment he saw him. It was, hate to use the
3 word "love," but in Michael's mind, perhaps that's what it was. Love at first sight.

4 MARTIN BASHIR

5 (Voice Over) When his mother found out her son had slept in Jackson's bedroom, the boy says she
6 challenged the star.

7 ACCUSER, MALE

8 He got my mom feeling so guilty that she just broke down in tears and decided, okay, I believe you.

9 RAY CHANDLER

10 He told her that she was putting barricades in the relationship and it was all about love and trust and
11 she should trust him. There was nothing wrong with it, it was all very innocent. But he cried. And
12 he made, as my nephew described it, he, he said that, oh, he made my mom feel so guilty that she
13 cried, too.

14 MARTIN BASHIR

15 (Off Camera) Why did Michael Jackson cry?

16 RAY CHANDLER

17 I think it's because crying works.

18 ACCUSER

19 And so, from that point on, I was in his bed until the end of the relationship.

20 MARTIN BASHIR

21 (Voice Over) Ray Chandler says that the next day, Michael Jackson gave the mother an expensive
22 bracelet. According to the boy, Michael Jackson had not just got close to him, the world's most
23 famous pop star had moved in with his family.

24 DIANE DIMOND

25 Michael spent 30-straight nights in a row sleeping in the same bed.

26 RAY CHANDLER

27 Michael's chauffeur would drop Michael off at the house at night and pick him up in the morning.

28 DIANE DIMOND

Michael would go back and spend yet another night.

RAY CHANDLER

They'd have dinner. They'd watch TV. They'd play video games. They'd do homework.

DIANE DIMOND

1 It is such a bizarre, odd thing to think that this man, who has millions and millions and millions of
2 dollars, would want to bunk with a young boy.

3 RAY CHANDLER

4 Yeah. They were, you know, just a regular family. I mean, regular's probably not the right word.

5 MARTIN BASHIR

6 (Voice Over) The taped interview with the boy describes how he says the relationship turned sexual.

7 ACCUSER

8 One night we were sleeping in the bed, I think it was at Neverland. And he just leaned over and
9 hugged me.

10 RAY CHANDLER

11 Just a little hug. Nothing, that's it, hug.

12 ACCUSER

13 He hugged me, I thought nothing of it.

14 RAY CHANDLER

15 But then, the hug would get a little longer.

16 ACCUSER

17 He graduated to, like, kissing me for a longer amount of time.

18 PSYCHOLOGIST, MALE

19 On the lips?

20 ACCUSER

21 Yes.

22 RAY CHANDLER

23 And then, a peck on the cheek good night would become a peck on the lips.

24 ACCUSER

25 A peck on the lips, and he put his tongue in my mouth.

26 RAY CHANDLER

27 And then, you'd have a, a sort of an embracing hug with a long kiss on the lips.

28 MARTIN BASHIR

(Voice Over) Then, in the spring of 1993, Michael Jackson took the boy to Monaco, where he alleges

1 things got much more serious. His claims about Michael Jackson's secret world were about to
2 become very public, indeed.

3 ANNOUNCER

4 When we return, even more shocking tapes in the boy's own words. And what his uncle says
5 happened on an exotic trip behind closed doors.

6 RAY CHANDLER

7 Locked together in that suite of Monaco for two days, things really escalated seriously at that point.

8 graphics: michael jackson's secret world

9 ANNOUNCER

10 Next

11 commercial break

12 graphics: michael jackson's secret world

13 MARTIN BASHIR

14 (Voice Over) In spring 1993, Michael took this boy and his family to Monaco, as VIP guests at the
15 World Music Awards. These clips were especially shot for the ceremony. Onlookers were shocked
16 to see the boy on Michael's lap. Yet, the star was aware of being filmed and didn't look like a man
17 with anything to hide. But if the boy is telling the truth, behind the scenes there was already a new
18 and secret side to their relationship. Later, in his statements to police and social workers, he would
19 claim it was now that things got much more serious.

20 ACCUSER

21 We were alone and we took a bath together.

22 RAY CHANDLER

23 They got undressed in front of each other. They saw each other naked. They took a bath together.
24 And the masturbation began. Locked together in that suite in Monaco for two days, things really
25 escalated seriously at that point.

26 MARTIN BASHIR

27 (Voice Over) Some weeks later, the boy's father confronted his son.

28 RAY CHANDLER

There was one question, only one question the father asked him. Did Michael Jackson touch your
penis? He just said, yes, yes, he did touch my penis.

MARTIN BASHIR

(Voice Over) During his psychiatry sessions, the boy would make even more detailed and graphic
allegations.

ACCUSER

1 And one time when he was masturbating me, and he started masturbating me with his mouth. And
2 like, if I didn't do it, then I didn't love him.

3 RAY CHANDLER

4 They would masturbate themselves in front of each other. There was frequent oral sex on the part
5 of Michael performing oral sex on the boy.

6 MARTIN BASHIR

7 (Voice Over) Soon, it would be announced to the world that the star who said he loved children was
8 now being accused of abusing one of them. Bill Dwarin was the lead investigator on the case in Los
9 Angeles.

10 BILL DWARIN, LAPD INVESTIGATOR

11 You go into Mr. Jackson's bedroom. It's a very large room. A lot of stuffed animals. A lot of things
12 that would be attractive to children. It wasn't a surprise because I went through many people's homes
13 and found the same type of items, although on a lesser scale. One item that we found in a locked
14 filing cabinet was a book showing nude, boys in nude poses. That's not illegal. It's a book I've seized
15 in other investigations. If it's a person who has this material who has a sexual interest in children,
16 it becomes child erotica.

17 MARTIN BASHIR

18 (Voice Over) As more damaging details emerged, it was a testing time for Jackson. But he hadn't
19 seen anything yet.

20 DIANE DIMOND

21 It was December 20th, 1993. And the police came knocking at the door of Neverland with a warrant
22 to photograph Michael Jackson's private parts.

23 MARTIN BASHIR

24 (Voice Over) The boy had drawn and described distinctive markings on Jackson's genitals.

25 BILL DWARIN

26 Based upon what the boy has said, we obtained a search warrant, not only for Jackson's residences,
27 but also for Jackson himself.

28 DIANE DIMOND

They wanted to match up the boy's rendition to what the reality was.

MICHAEL JACKSON

They served a search warrant on me, which allowed them to view and photograph my body,
including my penis.

DIANE DIMOND

Your front private parts. Your back private parts. Your side private parts.

1 MICHAEL JACKSON

2 It was the most humiliating ordeal of my life.

3 DIANE DIMOND

4 The most telling mark occurred when Michael Jackson actually lifted his penis, as if in a, an aroused state.

5 RAY CHANDLER

6 When things get aroused, you see the other side. And those were the descriptions that he gave.

7 MICHAEL JACKSON

8 I ask all of you to wait and hear the truth before you label or condemn me. Don't treat me like a
9 criminal because I am innocent.

10 MARTIN BASHIR

11 (Voice Over) According to the lead investigator, the boy's description matched.

12 BILL DWARIN

13 We corroborated what the boy had said. And we were able to corroborate that through the
14 photograph of Mr. Jackson.

15 DIANE DIMOND

16 Did it prove that he had actually engaged in sexual molestation of this boy? No. Absent another adult
17 eyewitness, what would have?

18 MARTIN BASHIR

19 (Voice Over) Jackson's attorneys have repeatedly denied the boy's allegations, calling him a liar, and
20 his family greedy extortionists. But Michael Jackson and his legal team decided to end his ordeal.
21 He paid the family a massive settlement, in total reported to be around \$25 million.

22 JOHNNIE COCHRAN, LAWYER

23 The resolution of this case is in no way an admission of guilt by Michael Jackson.

24 MARTIN BASHIR

25 (Voice Over) With the boy's claim settled, the criminal case collapsed and Jackson was never
26 charged. When I interviewed Jackson, I asked him about what happened in 1993. The questions
27 upset him deeply.

28 MARTIN BASHIR

29 (Off Camera) What was that like when you first heard the allegations that were being made against
30 you?

31 MICHAEL JACKSON

32 It was shocking. And I'm not allowed to talk about this by way of law, so ...

1 MARTIN BASHIR

2 (Off Camera) But how did you feel about what was being said? I'm not asking you to talk about what
3 was said.

4 MICHAEL JACKSON

5 I was shocked, because God knows how much in my heart I adore children.

6 MARTIN BASHIR

7 (Off Camera) But isn't that precisely the problem, that when you actually invite children into your
8 bed, you never know what's going to happen?

9 MICHAEL JACKSON

10 But when you say bed, you're thinking sexual. They make that sexual. It's not sexual.

11 MARTIN BASHIR

12 (Voice Over) But ...

13 MICHAEL JACKSON

14 We're going to sleep. I tuck them in. We put, I put little, like, music on. Little story time. I read a
15 book. It's very sweet. Put the fireplace on. We give them hot milk. You know, we have little cookies.
16 It's very charming. Very sweet.

17 MARTIN BASHIR

18 (Voice Over) Sure.

19 MICHAEL JACKSON

20 It's what the whole world should do.

21 MARTIN BASHIR

22 (Off Camera) You reached a financial settlement with the family?

23 MICHAEL JACKSON

24 Yeah, yeah. I don't want to do a long down-out thing on TV like OJ and all that stupid stuff. And
25 it -wouldn't look right. I just said, look, get this over with, I want to go on with my life. This is
26 ridiculous. I've had enough. Go.

27 MARTIN BASHIR

28 (Voice Over) As part of the settlement, the family could never discuss their relationship with Jackson
in public again.

29 J. RANDY TARABORRELLI

30 I mean, this was nothing to Michael Jackson, in terms of his finances. But it was everything, in terms
of his life, because it gave him a chance to, you know, start anew and make some decisions.

1 MARTIN BASHIR

2 (Voice Over) A few months later, he would get married.

3 ANNOUNCER

4 Next, the ill-fated marriage, Michael Jackson and Lisa Marie Presley. What did she think about the
5 young boys in his life? When we return.

6 graphics: michael jackson's secret world

7 commercial break

8 graphics: michael jackson's secret world

9 ANNOUNCER

10 Ladies and gentlemen, Mr. Michael Jackson and Ms. Lisa Presley Jackson.

11 MARTIN BASHIR

12 (Voice Over) The first key decision Michael made after his disastrous PR exposure when he was
13 accused of molestation in 1993, was to get married. Just four months after he paid millions to the
14 boy who accused him of being a pedophile, Michael Jackson married Elvis Presley's daughter, Lisa
15 Marie. But that wasn't the end of Michael Jackson's association with boys. The appearance of the
next boy in Michael's life showed it would take more than an accusation to end the superstar's
friendships with young boys. Just weeks after his marriage, 13-year-old Frank Casio became the new
boy in Michael Jackson's life, much to the shock of the police.

16 BILL DWARIN

17 He was traveling with two boys, brothers from New Jersey. We were concerned for the children's
18 safety. We contacted the parents of the children, who believed that Jackson did not do anything improper.

19 MARTIN BASHIR

20 (Voice Over) Michael had got to know Frank as a baby, when he used to stay at the hotel the boy's
21 father managed in Manhattan. Frank Casio says Jackson's love for children is sincere and not at all
sexual.

22 LATOYA JACKSON

23 When you're innocent and you're doing everything that is perfectly normal and right, I'm not going
24 to deviate from that. What am I doing that's wrong?

25 MARTIN BASHIR

26 (Voice Over) Jackson was now a 35-year-old married man. But he still saw nothing wrong with boys
27 sleeping in his room.

28 J. RANDY TARABORRELLI

Lisa was strong-minded and had a real sense of public relations, coming from her family. And she
realized that the appearances of impropriety that were caused by Michael's relationships with these
young boys were bound to do him in again. She felt that he should never be around boys, ever again,

1 ever. So, she was adamant about that. And he was just as adamant that she doesn't get to tell him
2 what to do.

3 MARTIN BASHIR

4 (Voice Over) Less than two years after their wedding, the couple split. But even if Lisa Marie didn't
5 make it 'til death us do part, Frank remains close to the star.

6 MAUREEN ORTH

7 He's somebody that Michael trusts. And he's decided to make his life with Michael Jackson.

8 MARTIN BASHIR

9 (Voice Over) One of the most puzzling things in Michael Jackson's secret world is the behavior of
10 children's parents, particularly the mothers who send their young boys to Neverland. Sandra
11 Sutherland is a former private investigator. She was employed by the accuser's attorney back in 1993,
12 to check out the boy's story.

13 SANDRA SUTHERLAND, FORMER PRIVATE INVESTIGATOR

14 Neverland, to me, epitomized what in the law is called an attractive nuisance. There are pedophiles
15 that I've come across who own a game store or a toy shop or a kid's book shop. Places that lure kids
16 and their parents. Neverland, of course, had a zoo. It had a video arcade. It had a private movie
17 theater. It had Michael Jackson, the idol of children all over the world. It was the perfect ultimate
18 lure.

19 MARTIN BASHIR

20 (Off Camera) So, it wasn't an innocent playground for the recreation of children?

21 SANDRA SUTHERLAND

22 Well, I think a lot of children did have an innocent recreational experience there. And Michael is
23 very generous to some, some sick kids. But, no, it was more than that, though. I think

24 MARTIN BASHIR

25 (Voice Over) When Sandra Sutherland began investigating, she says she met a number of mothers
26 who let their children sleep alone with Michael Jackson.

27 MARTIN BASHIR

28 (Off Camera) What did being Michael Jackson's favorite involve for that child?

29 SANDRA SUTHERLAND

30 Well, he got to sleep with Michael in the main house. And the parents and siblings slept in a guest
31 house.

32 MARTIN BASHIR

33 (Off Camera) So, the deal was, if you're Michael's special child, you sleep in his room?

34 SANDRA SUTHERLAND

1 Yes.

2 MARTIN BASHIR

3 (Voice Over) Sutherland says there was sometimes a bizarre competition between mothers to win
4 Michael's attention for their sons.

5 SANDRA SUTHERLAND

6 There were parents whose children were having what they thought was an absolutely wonderful
7 experience, being Michael's special friend. And they also gradually came to realize that their child's
8 time in the sun was very limited. There would, that there would come a time, after a year or two or
9 three, when they would be supplanted by a younger child. And there was a certain discontent among
10 a couple of mothers when they realized that their time was almost up.

11 MARTIN BASHIR

12 (Voice Over) During her investigations, Sandra Sutherland says she also came across a maid at
13 Neverland, whose 9-year-old son was an occasional visitor. Sutherland says she was reluctant to
14 speak out, but eventually she did tell her story.

15 SANDRA SUTHERLAND

16 She was very worried that her son was likely to be a victim, if he hadn't been already.

17 MARTIN BASHIR

18 (Voice Over) It recently emerged that Michael Jackson paid the boy two million dollars, without
19 admitting any wrongdoing. Jackson's current attorney said it was a mistake to settle any of these prior
20 claims because they were baseless. The boy and his mother are now on the prosecution witness list
21 in the current case. And despite the current charges, there are still parents who have been willing to
22 have their children sleeping over with the star.

23 ANNOUNCER

24 Up next, the young boys who still look forward to sleeping over at Neverland.

25 JUJU

26 He was just hugging me, doing nothing to me.

27 graphics: michael jackson's secret world

28 ANNOUNCER

When "Michael Jackson's Secret World" returns after this from our ABC stations.

commercial break

graphics: michael jackson's secret world

MARTIN BASHIR

(Voice Over) Jackson first survived pedophile accusations a decade ago. They cost the star far more
than the \$25 million payout. In recent years, his record sales have plummeted, and so has his
personal fortune. In the meantime, Michael became a father. I spent time with his children during

1 the making of my documentary. And I spent time with his baby, the day after he'd been dangled out
2 of a window in Berlin.

3 MICHAEL JACKSON

4 Here's a bottle.

5 MARTIN BASHIR

6 (Off Camera) It's okay, just get this off ...

7 MICHAEL JACKSON

8 Oh, please don't cry, Blanket.

9 MARTIN BASHIR

10 (Off Camera) What's his name?

11 MICHAEL JACKSON

12 Prince Michael II. But we call him Blanket.

13 MARTIN BASHIR

14 (Off Camera) Call him Blanket?

15 MICHAEL JACKSON

16 Yeah. Blanket. Blanket. Blanket.

17 MARTIN BASHIR

18 (Off Camera) Why do you call him Blanket?

19 MICHAEL JACKSON

20 'Cause it's an expression I use with my family and my employees. I say, you should blanket me. You
21 know, you should blanket her with, with something. Meaning, like a blanket is a blessing. It's a, it's
22 a way of showing love and caring.

23 MARTIN BASHIR

24 (Voice Over) But throughout this period, Michael Jackson has carried on befriending young boys.

25 RAY CHANDLER

26 If this was the guy next door, the minute he said, "oh, yeah, I'm sleeping with little boys around the
27 block," he'd be tarred and feathered.

28 MARTIN BASHIR

(Voice Over) But Michael Jackson isn't the guy next door. He's a 46-year-old superstar who
continued to have boys sleeping over.

JLU

When I sat on his lap, he wasn't like, touching me on the parts. I was just sleeping with him. And he was just hugging me, doing nothing to me.

MARTIN BASHIR

(Voice Over) 9-year-old Juju met Jackson the summer before last, and spent the night at Neverland with his brother and other children. He's also joined Jackson on trips to Toys "R" Us.

JUJU

He's like the most best person I ever met because, like he'll buy you anything you want. Anything.

MARTIN BASHIR

(Voice Over) Juju's family has known Jackson for nine years, since his older brother Ahmed first became one of Michael's young friends.

AHMED ELATAB

When I asked my parents if we could spend the night, they were like, "yeah, sure." And they just let us. They know he's not a child molester. All that stuff is crap.

HANADI FATTOUH, MOTHER

I never felt any weird thing about him. I will never believe what they say.

JUJU

When I told my friends, they were like, surprised. But, but they thought he was gay. But he was, he really wasn't. So, I told them. So, I told them, I'm not going to be your friend no more if you keep saying that.

MARTIN BASHIR

(Voice Over) Juju and his brother say nothing sexual ever happened between them and Jackson. The current accusations have done nothing to shake this family's faith in him.

HANADI FATTOUH

I know he's been accused two time already. But I never believed it. And I trust Michael. We're always going to be beside him.

MARTIN BASHIR

(Voice Over) One of those accusers would soon pose the greatest threat yet to Michael Jackson's freedom. It all began over two years ago, when I first met the so-called King of Pop.

MARTIN BASHIR

(Off Camera) You're actually saying that you climb that tree?

MICHAEL JACKSON

Yeah.

1 MARTIN BASHIR

2 (Off Camera) How far do you climb up it?

3 MICHAEL JACKSON

4 All the way to that kind of spot up there. Kind of like a deck, where it's like a bed. I love climbing
5 trees. I think it's my favorite thing. Having water balloon fights and climbing trees. I think that those
6 two are my favorite.

6 MARTIN BASHIR

7 (Off Camera) Don't you prefer making love or going to a concert? You prefer, you really mean that,
8 that you prefer climbing trees and having a balloon fight?

9 MICHAEL JACKSON

10 Yeah. Water balloon fight.

11 MARTIN BASHIR

12 (Off Camera) And you prefer that to anything else?

13 MICHAEL JACKSON

14 Well, as my pastime fun. You know, not, can't compare it to performing. But other people play
15 football, basketball. I like to climb trees.

16 MARTIN BASHIR

17 (Voice Over) We were filming my documentary, "Living with Michael Jackson." During that time,
18 we met this 12-year-old boy. Neither I nor the young boy had any idea that our brief encounter would
19 lead to the indictment of one of the world's most famous entertainers for the crime of molestation.
20 Before the interview began, Jackson took the boy off for a private chat, according to the boy's grand
21 jury testimony, reported by ABC News. The boy said Michael asked him if he wanted to be an actor,
22 and that this was his audition. Jackson wanted him to say good things about him, grab his hand, and
23 act like Michael was his father.

24 MARTIN BASHIR

25 (Off Camera) What is it about Michael that makes him connect so well with children? What is it?

26 ACCUSER

27 'Cause he's really a child at heart. He, he acts just like a child. He, he, he knows how, how a child
28 is. He knows how, what a, what a child thinks.

29 MARTIN BASHIR

30 (Off Camera) Were your parents happy that you were here with, with Michael?

31 ACCUSER

32 Yeah. My mom is very, very, very happy. I, I know they're happy 'cause I was happy.

33 MARTIN BASHIR

1 (Off Camera) Did they come with you?

2 ACCUSER

3 Yeah, most of the time. But I wasn't really with my parents. I was mainly with Michael.

4 MARTIN BASHIR

5 (Off Camera) But they were happy that you were here?

6 ACCUSER

7 Yeah. There was one night I stood in, and I asked him if I could stay in the bedroom. And he let me
8 sleep in the bedroom. And I was like, Michael, you can sleep on the bed. And he was like, no, no,
9 you sleep on the bed, sleep on the bed. We're like, no, no, no ...

10 MARTIN BASHIR

11 (Voice Over) The boy stunned the world by exposing how Jackson, the superstar, was still openly
12 inviting young boys into his bedroom, although Jackson says he slept on the floor.

13 ACCUSER

14 And then, he finally said, okay, if you love me, you'll sleep on the bed. I was like, oh, man.

15 CAROLE LIEBERMAN

16 When I heard those words "if you love me," it sent chills down my spine because those are classic
17 pedophile words. "If you love me, you will do this."

18 MARTIN BASHIR

19 (Voice Over) Psychiatrist Carole Lieberman was so alarmed by what she claims were clear signs of
20 abuse that she filed a complaint with the Santa Barbara authorities. A complaint that was later dismissed.

21 CAROLE LIEBERMAN

22 He was leaning against Michael's shoulder, looking up with these puppy dog eyes. He's just so
23 submissive to Michael. You can tell how much control Michael has over him.

24 MICHAEL JACKSON

25 Why can't you share your bed? The most loving thing to do is to share your bed with someone.

26 MARTIN BASHIR

27 (Voice Over) What outraged many people was hearing Jackson talk about sharing his bed with young
28 boys. After all, this was the same man who, in 1993, paid more than \$25 million to a boy who
claimed the superstar abused him.

MARTIN BASHIR

(Off Camera) But is it really appropriate for a 44-year-old man to share a bedroom with a child who
is not related to him at all?

1 MICHAEL JACKSON

2 That's a beautiful thing.

3 MARTIN BASHIR

4 (Off Camera) That's, that's not a worrying thing?

5 MICHAEL JACKSON

6 Why should it be worrying? Who's the criminal? Who's Jack the Ripper in the room? This is a guy
7 trying to help heal a child. I'm sleeping in a sleeping bag on the floor.

8 MARTIN BASHIR

9 (Voice Over) But even though Jackson's relationship with this new boy raised some of the same old
10 questions, no one today, not the boy, not the police, not the prosecutors, claims that any abuse had
11 occurred at the time of my interview. The alleged molestation would come later.

12 MICHAEL JACKSON

13 But when you say bed, you're thinking sexual. They make that sexual. It's not sexual.

14 MARTIN BASHIR

15 (Voice Over) But ...

16 MICHAEL JACKSON

17 We're going to sleep. I tuck them in. We put, I put a little, like, music on ...

18 J. RANDY TARABORRELLI

19 All I remember is the sinking feeling in my gut that this is going to be trouble.

20 ANNOUNCER

21 When we return, the explosive fallout from Martin Bashir's questions.

22 WENDY MURPHY, FORMER PROSECUTOR

23 That's when Michael Jackson was revealed to all of us as the guy who thought it was just lovely for
24 men to sleep with boys.

25 ANNOUNCER

26 But even tougher questions were just starting.

27 MARTIN BASHIR

28 You're fundamentally saying that this cancer victim and this entire family are liars.

JOE TAKAPINA, REPRESENTATIVE FOR FRANK TYSON

Yes.

1 graphics: michael jackson's secret world

2 ANNOUNCER

3 Next

4 commercial break

5 graphics: michael jackson's secret world

6 MARTIN BASHIR

7 (Voice Over) February 2003. My documentary aired. The reaction was immediate. Who was this boy
8 with Michael Jackson? And why was he sharing his bedroom? Later, the question would become,
9 was that boy molested by Michael Jackson? Jackson had met the boy 2 1/2 years earlier. The 10-year-
old was in the hospital, fighting for his life, riddled with cancer. He made a wish.

10 JAMIE MASADA, CLUB OWNER

11 The TV in the room was on. And Michael Jackson was on. And he looked, he looked up. He said,
12 can I meet Michael Jackson? I said, yes, you could do that.

12 MARTIN BASHIR

13 (Voice Over) At that time, the boy's family thought he may only have weeks to live.

14 JAMIE MASADA

15 He had an 18-pound tumor in his stomach. And they'd had to take one of his kidneys out, spleen out.
16 And the cancer was spreading all over his lung and liver.

17 DIANE DIMOND

18 He wanted to meet Michael Jackson in the worst way. He gave him his phone number. He got those
19 late-night phone calls. He ultimately got that invitation to Neverland. He and his family went to
Neverland. And they were wowed.

20 MARTIN BASHIR

21 (Voice Over) Miraculously, after meeting Jackson, the boy eventually recovered. And like other
22 boys, he would end up in the star's bedroom.

22 DIANE DIMOND

23 Piercing eyes. Million-dollar smile. He fits the Michael Jackson pattern.

24 MARTIN BASHIR

25 (Voice Over) Like some of Jackson's other young friends, this boy from a troubled home with limited
26 resources, was lavished with attention and gifts. And he says there was something else, pornography.
27 The boy says he and his younger brother looked at porn on the Internet with Michael Jackson. He
28 says they were in Jackson's bedroom with the superstar's friend, Frank Tyson, whom we met earlier
in this broadcast, when he was one of Jackson's young friends years before. ABC News consultant
Joe Takapina represents Frank Tyson.

MARTIN BASHIR

1 (Off Camera) Let me read to you something that the accuser says happened on one of his very first
2 visits to Neverland. He says, "Frank started pushing the computer. And I didn't know what he was
3 doing. And he put it on, like, pictures of girls." He then says, "one of those girls had her shirt up and
and was exposing her breasts." Was your client ever involved in showing the accuser pornography?

4 JOE TAKAPINA

5 Absolutely not.

6 ACCUSER

7 And then he finally said, okay, if you love me, you'll sleep on the bed. I was like, oh, man. And so,
8 I finally slept on the bed. It was fun that night.

9 MICHAEL JACKSON

10 I slept on the floor.

11 MARTIN BASHIR

12 (Voice Over) When my film aired in England, it sparked a firestorm. Jackson's picture holding hands
with the boy was flashed across the world.

13 WENDY MURPHY

14 Clearly the catalyst for this whole saga was the airing of the video.

15 MARTIN BASHIR

16 (Voice Over) Former sex crimes prosecutor, Wendy Murphy.

17 WENDY MURPHY

18 That's when Michael Jackson was revealed to all of us as the guy who thought it was just lovely for
19 men to sleep with boys. And it put Michael Jackson in a position of having to defend himself.

20 MARTIN BASHIR

21 (Voice Over) Prosecutors say that just before the film aired in the US, Jackson's team, desperate to
control the damage, whisked the boy and his family to this exclusive 5-star resort in Miami. It was
22 here, the boy says, that for the first time, the superstar gave him wine, calling it "Jesus juice."

23 WENDY MURPHY

24 If the jury believes that Michael Jackson gave this child alcohol, they're going to be much more
inclined to believe all the evidence. Because a man who gives alcohol to a child, especially a child
25 with a compromised immune system, is not someone who respects children. That's the type of person
who's more likely to molest them. 'Cause he's not caring about them, he's trying to cause them harm.

26 MARTIN BASHIR

27 (Voice Over) On the private plane home, the boy says Jackson gave him wine again, in soda cans.
The defense says Jackson never drank with the boy.

28 REPORTER, FEMALE

1 Millions of viewers got a peek into the very bizarre life of Michael Jackson ...

2 REPORTER

3 The fallout from Michael Jackson's shocking revelations on nationwide TV ...

4 REPORTER

5 What people are saying about his sleepover parties ...

6 GLORIA ALLRED, LAWYER

7 Well, I think there needs to be an investigation, and I think ...

8 MARTIN BASHIR

9 (Voice Over) Meanwhile, the question on everyone's lips, what was Michael Jackson's relationship
10 with the young boy?

11 graphics: the michael jackson interview logo

12 MARTIN BASHIR

13 (Voice Over) Jackson's answer came two weeks later in a TV special to rebut my documentary. The
14 boy's mother defended the star, in a written statement, read by Maury Povich.

15 MAURY POVICH, TALK SHOW HOST

16 "The relationship that Michael has with my three children is a beautiful, loving, father, sons and
17 daughter one. To my children and me, Michael is a part of our family."

18 MARTIN BASHIR

19 (Voice Over) The mother now says that statement and several others were made under duress. And
20 then, the unthinkable. Just when the whole world was watching, the boy claims Jackson sexually
21 abused him twice, putting his hand down the boy's pants and rubbing his private area. His younger
22 brother claims he witnessed two other occasions of abuse, when his brother was sleeping. Jackson's
23 camp says the timing of the alleged molestation is absurd.

24 JOE TAKAPINA

25 After all the attention has brought on that relationship, he waits until after the controversy, after the
26 hysteria, to then begin some sort of sexual relationship with him? That defies common sense.

27 WENDY MURPHY

28 To some extent, I think this is the weakness of the prosecution's case. On the other hand, this is
probably why Michael Jackson chose that period of time to molest the child. He knew he would be
insulated from prosecution because what, what law enforcement official would ever take on a case
where the child who's accusing him, only two weeks earlier was in a video claiming Michael Jackson
had never touched him and was the best guy on the planet?

MARTIN BASHIR

(Voice Over) The mother says she was never told about the abuse. But one night, in a 4:00 AM

1 phone call from Michael Jackson's bedroom, she says her son confided that he and Jackson had been
2 drinking Jesus juice.

3 LARRY FELDMAN, ATTORNEY

4 When she heard about the liquor and her son drinking wine, that that was the trigger that changed
5 everything in her mind, as to whether Michael Jackson was or wasn't their best friend.

6 MARTIN BASHIR

7 (Voice Over) The mother says Neverland had become a nightmare. She says they were threatened
8 by Jackson aides, not allowed to leave the property. And that she and her family were being held hostage.

9 JOE TAKAPINA

10 During the period of time when they're allegedly held hostage, we have receipts that, that will show
11 the mother and her teenage daughter getting manicures and pedicures. You know, shopping at stores.
12 I mean, it's laughable.

13 MARTIN BASHIR

14 (Voice Over) Jackson's supporters say they are confident they'll be able to destroy the credibility of
15 the accuser's family at trial.

16 MARTIN BASHIR

17 (Off Camera) You're fundamentally saying that this cancer victim and this entire family are liars?

18 JOE TAKAPINA

19 Yes. If you want to attribute a reason or a motive, I don't think it's hard to find one. It's financial.
20 Michael Jackson has, has a bull's eye on his back. He's a, a, you know, a one-man lotto ticket.

21 MARTIN BASHIR

22 (Off Camera) What evidence do you have that this is a shakedown?

23 JOE TAKAPINA

24 Who do they go to first? A lawyer. Not the police. You see, if my child, and I believed my child was
25 sexual abused by someone, I'm not looking for a personal injury lawyer. I'm looking for a police
26 officer or a baseball bat.

27 LARRY FELDMAN

28 Nobody shook Michael Jackson down then. And no one has shaken Michael Jackson down now.

29 MARTIN BASHIR

30 (Voice Over) Larry Feldman represents the family. He also represented the alleged victim in 1993,
31 who settled for around \$25 million. A coincidence? The Jackson camp doesn't think so.

32 JOE TAKAPINA

33 The mother drives this train. It's a mother who, who exercises enormous control over these boys.
34 Who has claimed not to be after the money, but all she wants is money. Who, instead of going to the

1 police when she believed these allegations had merit, went to the same attorney that got a \$20
million settlement from Michael Jackson ten years earlier.

2 WENDY MURPHY

3 It takes a lot to believe that a mother who cares about her son, she may not be the best parent on the
4 planet, but she cares about her son, and she would force him to lie about being molested? I mean,
5 where, where are those kinds of parents? I've never encountered such a case where a mother would
be so cruel to a child she loves, that she would force him to falsely believe that he was assaulted.

6 MARTIN BASHIR

7 (Voice Over) The mother says this time there will be no out-of-court settlement, that she doesn't
want, quote, "the devil's money."

8 LARRY FELDMAN

9 We took them to children's services. And we took them to the District Attorney's office. And that's
10 unfair to attack some child that there is some ulterior motive behind going through this criminal case.
11 I don't think that people really realize how painful it is for some young person to have to deal with
this.

12 TOM SNEDDON, DISTRICT ATTORNEY

13 I can assure you that within a very short period of time, there will be charges filed against Mr.
Jackson. Multiple counts.

14 MARTIN BASHIR

15 (Voice Over) And so, it has come to this, the so-called trial of the century.

16 WENDY MURPHY

17 The prosecution is alleging a variety of charges. Many charges, including not just child molestation,
18 but providing alcohol to a minor, intimidation of a witness, kidnapping, extortion.

19 MARTIN BASHIR

20 (Voice Over) For the first time, the megastar will be forced to face his accuser in court.

21 WENDY MURPHY

22 In a sense, the prosecution is prepared to put on a very full picture of not a one-time incident with
23 Michael Jackson fondling the child in his home. But a, a rather extensive story of not only how
Michael Jackson came to meet the family, how he selected them, how he groomed the child, how
24 he became suspicious that he was going to be found out and the steps that he took to try to silence
this family.

25 MARTIN BASHIR

26 (Voice Over) Recently, Jackson proclaimed his innocence, casting himself as the victim.

27 MICHAEL JACKSON

28 Years ago, I allowed a family to visit and spend some time at Neverland. Neverland is my home. I
allowed this family into my home because they told me their son was ill with cancer and needed my

1 help. Through the years I have helped thousands of children who are ill or in distress. These events
2 have caused a nightmare for my family, my children, and me. I never intend to place myself in so
3 vulnerable a position ever again. I love my community and I have great faith in our justice system.
Please keep an open mind and let me have a my day in court. I deserve a fair trial like every other
American citizen. I will be acquitted and vindicated when the truth is told.

4 WENDY MURPHY

5 I've prosecuted hundreds of child sex cases and never had the kind of corroborative evidence the
6 prosecution has here. And I'm talking about fingerprints on pornography, Michael Jackson giving
7 the child alcohol. This is stuff that the jury's going to find hard to dismiss. And more importantly,
it's -gonna transform the air in the courtroom. Because all of a sudden, Michael Jackson isn't that
nice guy celebrity superstar.

8 KATHERINE JACKSON, MOTHER

9 Michael continued with children because he was innocent. The people that accused him know they're
10 lying. Why would a boy nurse someone else back to health and then turn around and, and, even
when they're sick, this kid was sick. He was dying. Why would he molest him? Would you? Nobody
would. A sick child? No.

11 WENDY MURPHY

12 His mother, in fact, has said "I know for sure, 100 percent, he's not guilty because he loves children.
13 He would never do this." And the truth is, those people don't know. They weren't there. Child abuse
doesn't happen in front of witnesses. They really can't be in a position to know. And, and mothers
14 love their sons. I'm sure Mrs. Jackson loves her son. And she wants desperately to believe that it's
not true.

15 MARTIN BASHIR

16 (Voice Over) Michael Jackson's representatives declined to comment on tonight's broadcast, saying
17 that they are prohibited by the judge's gag order. I was nearing the end of my journey into Michael
Jackson's secret world. And what to think at the end of it all? I'd met some of Jackson's young
18 friends. Terry George, who said Jackson talked to him about masturbation during a phone call.

19 TERRY GEORGE

20 I felt a little bit disgusted. But, you know, this, this was Michael Jackson.

21 MARTIN BASHIR

22 (Voice Over) And we've seen a number of boys who said that nothing untoward ever happened to
23 them.

24 AHMED ELATAB

25 He's not a child molester. All that stuff is crap.

26 MARTIN BASHIR

27 (Voice Over) I haven't seen Michael Jackson since my documentary aired. The next time I'll see him
will be in court, when his secret world will be judged.

28 J. RANDY TARABORRELLI

1 He should know better. He's made a lot of mistakes. He's done a lot to himself. He's his own worst
2 enemy when it comes to some of his decisions. But he's not a child molester.

3 MARTIN BASHIR

4 (Off Camera) So, do you think Michael Jackson is a predatory pedophile?

5 SANDRA SUTHERLAND

6 Yes. It's a hard word, a hard term. But I think he is, yes.

7 LATOYA JACKSON

8 In my heart, I truly believe that he will be vindicated.

9 graphics: michael jackson's secret world

10 commercial break

11 graphics: 20/20



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com

Exhibit "E"



mjfacts.com



mjfacts.com

1 **COLLINS, MESEREAU, REDDOCK & YU**
2 Thomas A. Mesereau, Jr., State Bar Number 091182
3 Susan C. Yu, State Bar Number 195640
4 1875 Century Park East, 7th Floor
5 Los Angeles, CA 90067
6 Tel.: (310) 284-3120, Fax: (310) 284-3133

7 **SANGER & SWYSEN**
8 Robert M. Sanger, State Bar Number 058214
9 233 East Carrillo Street, Suite C
10 Santa Barbara, CA 93101
11 Tel.: (805) 962-4887, Fax: (805) 963-7311

12 **OXMAN & JAROSCAK**
13 Brian Oxman, State Bar Number 072172
14 14126 East Rosecrans
15 Santa Fe Springs, CA 90670
16 Tel.: (562) 921-5058, Fax: (562) 921-2298

17 Attorneys for Defendant
18 **MICHAEL JOSEPH JACKSON**

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

**MICHAEL JACKSON'S APPLICATION
FOR AN ORDER TO SHOW CAUSE RE
CONTEMPT AND/OR OTHER
SANCTIONS AGAINST MARTIN BASHIR
FOR VIOLATIONS OF THIS COURT'S
PROTECTIVE ORDER; DECLARATION
OF COUNSEL; EXHIBIT**

UNDER SEAL

Honorable Rodney S. Melville
Date: February 16, 2005
Time: 8:30 a.m.
Dept: 8

27 **TO THE CLERK OF THE ABOVE-ENTITLED COURT:**

28 Defendant Michael J. Jackson, through his counsel, hereby applies for an order to show cause re
contempt and/or other sanctions against Martin Bashir for violations of this Court's protective order.

Mr. Bashir participated in a television program, which aired on Friday, February 11, 2005, in which he

**MICHAEL JACKSON'S APPLICATION FOR AN ORDER TO SHOW CAUSE RE CONTEMPT AND/OR OTHER
SANCTIONS AGAINST MARTIN BASHIR FOR VIOLATIONS OF THIS COURT'S PROTECTIVE ORDER**

1 made statements for public dissemination regarding this case. At the conclusion of that program, Mr.
2 Bashir stated that he plans to air a 2-hour program, entitled "Michael Jackson's Secret World," that will
3 constitute a further violation of this Court's protective order.

4 This application is based upon the attached declaration of Robert M. Sanger, exhibits, the file and
5 record herein and any other information presented prior to a ruling hereon.

6 Dated: February 14, 2005

Respectfully submitted,

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

9 SANGER & SWYSEN
10 Robert M. Sanger

11 OXMAN & JAROSCAK
12 Brian Oxman

13 By:

14 Robert M. Sanger
15 Attorneys for Defendant
16 MICHAEL JOSEPH JACKSON
17
18
19
20
21
22
23
24
25
26
27
28

1 **DECLARATION OF ROBERT M. SANGER**

2 I, Robert M. Sanger, declare:

3 1. I am an attorney at law duly licensed to practice law in the courts of the State of California, a
4 partner in the law firm of Sanger & Swysen, and co-counsel for Michael Jackson. I submit this
5 declaration in support of an order to show cause re contempt and/or other sanctions for violation of this
6 Court's protective order.

7 2. The prosecution filed a complaint against Mr. Jackson on December 18, 2004. Arraignment
8 ensued on January 16, 2004. The same day, this Court issued a protective order that prevents the
9 parties, their counsel, agents and witnesses from public commentary concerning this case.

10 3. Martin Bashir is a witness in this case who is listed on both the prosecution and defense witness
11 lists. The District Attorney issued a subpoena and a copy of the Court's protective order to Martin
12 Bashir on January 18, 2005. On that same day, Mr. Bashir, through his counsel Theodore Boutrous,
13 filed a "Motion for Order Precluding Martin Bashir from Being Required to Testify and for Clarification
14 that the "Gag" Order Does Not Apply to Martin Bashir."

15 4. On January 28, 2005, a hearing was held before this Court on Mr. Bashir's motion. The Court
16 denied the protective order re: the Bashir subpoena. The Court ordered that the intent of the protective
17 order is that Mr. Bashir, along with other witnesses, would not identify the minors involved and would
18 not disclose through the media evidence on the charges known to him by personal observation, and, that
19 so long as the order remains in effect, Mr. Bashir is bound by these restrictions. The Court further
20 ordered that Mr. Bashir is not prevented from reporting or giving commentary to the same extent that a
21 non-journalist witness could.

22 5. On February 11, 2005, the "20/20" television program aired on ABC television, including locally
23 in Santa Barbara County, in which Mr. Bashir interviewed Corey Feldman, a witness who was recently
24 subpoenaed by the prosecution. During this interview Mr. Bashir made comments for public
25 dissemination, based on his personal observations, regarding the allegations against Mr. Jackson. An
26 article published on ABC's website regarding the interview is attached as Exhibit A.

27 6. At the conclusion of the "20/20" program, it was announced that ABC television's "Primetime
28

1 Live" plans to air a 2-hour program entitled "Michael Jackson's Secret World," using footage gathered
2 by Mr. Bashir during the time he previously spent filming Michael Jackson. ABC has stated that, on this
3 program, Mr. Bashir will reveal "details and allegations about Jackson's friendship with boys." A
4 printout from ABC's Primetime Live website is attached as Exhibit B.

5 7. ABC is currently airing a commercial for "Michael Jackson's Secret World," in which Mr. Bashir
6 states that when he "spent time with Michael Jackson for that first documentary," he "thought [he] was
7 prepared", but that he "had no idea." Defense counsel will seek leave of court to play a recording of that
8 commercial.

9 8. The Court has made it clear that Mr. Bashir is bound by the protective order and that he may not
10 disclose through the media evidence on the charges known to him by personal observation.

11 9. The Court has previously clarified that the protective order applies to Mr. Bashir. Accordingly,
12 an Order to Show Cause should issue why sanctions should not be imposed against Mr. Bashir.

13 I declare under the penalty of perjury under the laws of the State of California that the foregoing
14 is true and correct this 14th day of February, 2005, at Santa Barbara, California.

15
16
17 _____
Robert M. Sanger
18
19
20
21
22
23
24
25
26
27
28



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com

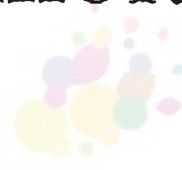


mjfacts.com

Exhibit "F"



mjfacts.com



mjfacts.com

1 COLLINS, MESEREAU, REDDOCK & YU
Thomas A. Mesereau, Jr., State Bar Number 091182
2 Susan C. Yu, State Bar Number 195640
1875 Century Park East, 7th Floor
3 Los Angeles, CA 90067
Tel.: (310) 284-3120 Fax: (310) 284-3133

4 SANGER & SWYSEN
5 Attorneys at Law
Robert M. Sanger, State Bar No. 058214
6 233 East Carrillo Street, Suite C
Santa Barbara, CA 93101
7 Tel.: (805) 962-4887 Fax: (805) 963-7311

8 OXMAN & JAROSCAK
9 Brian Oxman, State Bar No. 072172
14126 East Rosecrans
Santa Fe Springs, CA 90670
10 Tel.: (562) 921-5080, Fax: (562) 921-2298

11 Attorneys for Defendant
12 MICHAEL JOSEPH JACKSON

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA
14 FOR THE COUNTY OF SANTA BARBARA, COOK DIVISION

16 THE PEOPLE OF THE STATE OF)
17 CALIFORNIA,)

18 Plaintiffs,)

19 vs.)

20 MICHAEL JOSEPH JACKSON,)

21 Defendant.)
22)
23)
24)

Case No. 1133603

~~PROPOSED~~ ORDER TO SHOW CAUSE RE
CONTEMPT

Honorable Rodney S. Melville

Date: February __, 2005

Time: ____

Dept: SM 8

25 TO MARTIN BASEIR:

26 YOU ARE HEREBY ORDERED to appear on February __, 2005, at 8:30 a.m., or as
27 soon thereafter as the matter may be heard in the courtroom of the Honorable Rodney S. Melville,
28 Judge of the Superior Court, in Department 8 of the above entitled court, located at 312-C Cook

ORDER TO SHOW CAUSE RE CONTEMPT

FILED
SUPERIOR COURT of CALIFORNIA
COUNTY of SANTA BARBARA

FEB 17 2005

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

1 Street, Santa Maria, California, to show cause, if you have any, why you should not be adjudged
2 in contempt of court and punished accordingly for willfully disobeying the order of this Court made
3 on January 16, 2004 in the above entitled action.

4 This order shall be served on you by delivering a true copy thereof, attached to a copy of the
5 declaration of Robert M. Sanger, at least ____ days prior to the date of the hearing.

6
7 DATED: FEB 17 2005

Demed without
Judge of the Superior Court

prejudice.

Rodney S. Melville

RODNEY S. MELVILLE

ORDER TO SHOW CAUSE RE CONTEMPT

PROOF OF SERVICE

1013A(1)(3), 1013(c) CCP

STATE OF CALIFORNIA, COUNTY OF SANTA BARBARA:

I am a citizen of the United States of America and a resident of the county aforesaid. I am employed by the County of Santa Barbara, State of California. I am over the age of 18 and not a party to the within action. My business address is 312-M East Cook Street, Santa Maria, California.

On FEBRUARY 17, 2005, I served a copy of the attached ORDER TO SHOW CAUSE RE CONTEMPT (DENIED) addressed as follows:

THOMAS A. MESEREAU, JR.
COLLINS, MESEREAU, REDDOCK & YU, LLP
1875 CENTURY PARK EAST, 7TH FLOOR
LOS ANGELES, CA 90067

THOMAS W. SNEDDON, JR.
DISTRICT ATTORNEYS OFFICE
1112 SANTA BARBARA STREET
SANTA BARBARA, CA 93101

X FAX

By faxing true copies thereof to the receiving fax numbers of: (805) 456-0699 (Thomas Mesereau, Jr.); (805) 568-2398 (Thomas Sneddon), said transmission was reported complete and without error. Pursuant to California Rules of Court 2005(1), a transmission report was properly issued by the transmitting facsimile machine and is attached hereto.

 MAIL

By placing true copies thereof enclosed in a sealed envelope with postage fully prepaid, in the United States Postal Service mail box in the City of Santa Maria, County of Santa Barbara, addressed as above. That there is delivery service by the United States Postal Service at the place so addressed or that there is a regular communication by mail between the place of mailing and the place so addressed.

 PERSONAL SERVICE

By leaving a true copy thereof at their office with the person having charge thereof or by hand delivery to the above mentioned parties.

 EXPRESS MAIL

By depositing such envelope in a post office, mailbox, sub-post office, substation, mail chute, or other like facility regularly maintained by the United States Postal Service for receipt of Express Mail, in a sealed envelope, with express mail postage paid.

I certify under penalty of perjury that the foregoing is true and correct. Executed this 17TH day of FEBRUARY, 2005, at Santa Maria, California.

Carrie L. Wagner
CARRIE L. WAGNER