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1 Thomas A. Mesereau, Jr. (SBN 91182)
Susan C. Yu (SBN 195640)
2 COLLINS, MESEREAU, REDDOCK & YU, LLP
1875 Century Park East, 7TH Floor
3 Los Angeles, California 90067
Tel: (310) 284-3120; Fax: (310) 284-3133

4 Robert M. Sanger (SBN 58214)
5 SANGER & SWYSEN
233 E. Carrillo St., Suite C
6 Santa Barbara, CA 93101
Tel: (805) 962-4887; Fax: (805) 963-7311

7 Brian Oxman (SBN 072172)
8 OXMAN & JAROSCAK
14126 East Rosecrans
9 Santa Fe Springs, California 90670
Tel: (562) 921-5058; Fax: (562) 921-2298

10 Attorneys for Defendant
11 MICHAEL JOE JACKSON

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA BARBARA

MAR 01 2005

GARY M. BLAIR, Executive Officer

Carrie L. Wagner
CARRIE L. WAGNER, Deputy Clerk

*Unsealed pursuant
to 6/16/05 Court
Order*

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA

13 FOR THE COUNTY OF SANTA BARBARA, SANTA MARIA DIVISION

14 THE PEOPLE OF THE STATE OF
15 CALIFORNIA,

16 Plaintiff,

17 vs.

18 MICHAEL JOE JACKSON

19 Defendant.

) CASE NO. 1133603

) NOTICE OF MOTION AND MOTION TO
) ADMIT EVIDENCE OF GAVIN ARVIZO
) AND STAR ARVIZO'S SEXUAL CONDUCT

) HEARING:

) DATE: MARCH 11, 2005

) TIME: 8:30 A.M.

) Place: Dept. SM-2

22 **FILED UNDER SEAL**

(Pursuant to Evidence Code Section 782)

1 TO THE HONORABLE RODNEY S. MELVILLE AND TO THE DISTRICT
2 ATTORNEY OF THE COUNTY OF SANTA BARBARA, TOM SNEDDON, AND DEPUTY
3 DISTRICT ATTORNEYS GERALD FRANKLIN, RON ZONEN AND GORDON
4 AUCHINCLOSS:

5 Please take notice that on March 11, 2005, at 8:30 a.m., or as soon thereafter as the
6 matter may be heard, before the Honorable Rodney S. Melville, defendant Michael Joseph
7 Jackson ("Mr. Jackson") will move and hereby does move the Court, pursuant to Evidence
8 Code Section 782, for an order admitting evidence of sexual conduct of the complaining
9 witnesses Gavin Arvizo and Star Arvizo for purposes of impeachment ("Motion").

10 The Motion is made on the grounds that the evidence of sexual conduct is
11 relevant to the credibility of these complaining witnesses under Evidence Code Section
12 780, in that it has tendency in reason to prove or disprove the truthfulness of their
13 testimony at trial, including, *but not limited to*, the following:

- 14 (a) Their character for honesty or veracity or their opposites; and
15 (b) The existence or nonexistence of any fact testified to by them.

16 The Motion is made also on the grounds that, pursuant to Evidence Code Section
17 352, the probative value of the proffered evidence is not outweighed by the risk of undue
18 prejudice, confusing the issues, misleading the jury or necessitate undue consumption of
19 time.

20 This Motion will be based on this notice of motion, the memorandum of points and
21 authorities, and declaration of Susan C. Yu served and filed herewith; on such
22 supplemental memoranda of points and authorities as may hereafter be filed with the court
23 or stated orally at the conclusion of the hearing; on all the papers and records on file in this

24 ///

25 ///

26 ///

1 action, and on such oral and documentary evidence as may be presented at the hearing of
2 the Motion

3
4 DATED: March 1, 2005

Respectfully submitted,

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

8 Robert M. Sanger
9 SANGER & SWYSEN

10 Brian Oxman
11 OXMAN & JAROSCAK

12 By:

13 
14 Susan C. Yu

15 Attorneys for Mr. MICHAEL J. JACKSON
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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I.**

3 **STATEMENT OF FACTS**

4 During the time period in which the Arvizos claim that they were falsely imprisoned
5 at Mr. Jackson's Neverland Ranch, Gavin Arvizo and Star Arvizo were caught masturbating
6 and watching pornography in one of the guest units. The witnesses to this incident are
7 Rijo and Simone Jackson, children of Mr. Jackson's cousin, Peaches Jackson. They are on
8 the Defense witness list and will testify at trial. (Yu Decl., ¶ 2; Exhibit A thereto.)

9 Carol LaMere, a witness in this case, too, has observed and can testify about Star
10 Arvizo's promiscuous behavior. (Yu Decl., ¶ 3; Exhibit B thereto.)

11 Moreover, Gavin Arvizo had an email address with the America On Line called
12 gblade2000@aol.com. His password was "Sexy." (Yu Decl., ¶ 4; Exhibit C thereto.)

13 Before the Grand Jury, Gavin and Star Arvizo testified that Mr. Jackson showed
14 them pornography and taught them how to masturbate. (Yu Decl., ¶ 5; Exhibits D and E
15 thereto.) These allegations are false.

16 **II.**

17 **APPLICABLE LAW**

18 **A. Evidence Code Section 782**

19 Evidence Code Section 782, which sets forth procedures for admitting evidence of
20 sexual conduct of complaining witness, provides:

21 (a) In any prosecution under Section 261, 262, 264.1, 286, 288, 288a, 288.5, or
22 289 of the Penal Code, or for assault with intent to commit, attempt to
23 commit, or conspiracy to commit any crime defined in any of those sections,
24 except where the crime is alleged to have occurred in a local detention
25 facility, as defined in Section 6031.4, or in a state prison, as defined in
26 Section 4504, if evidence of sexual conduct of the complaining witness is
27 offered to attack the credibility of the complaining witness under Section 780,
28 the following procedure shall be followed:

(1) A written motion shall be made by the defendant to the court and
prosecutor stating that the defense has an offer of proof of the relevancy of
evidence of the sexual conduct of the complaining witness proposed to be
presented and its relevancy in attacking the credibility of the complaining
witness.

- 1 (2) The written motion shall be accompanied by an affidavit in which the
2 offer of proof shall be stated. The affidavit shall be filed under seal and
3 only unsealed by the court to determine if the offer of proof is sufficient to
4 order a hearing pursuant to paragraph (3). After that determination, the
5 affidavit shall be resealed by the court.
- 6 (3) If the court finds that the offer of proof is sufficient, the court shall order a
7 hearing out of the presence of the jury, if any, and at the hearing allow the
8 questioning of the complaining witness regarding the offer of proof made
9 by the defendant.
- 10 (4) At the conclusion of the hearing, if the court finds that evidence proposed
11 to be offered by the defendant regarding the sexual conduct of the
12 complaining witness is relevant pursuant to Section 780, and is not
13 inadmissible pursuant to Section 352 of this code, the court may make an
14 order stating what evidence may be introduced by the defendant, and the
15 nature of the questions to be permitted. The defendant may then offer
16 evidence pursuant to the order of the court.
- 17 (5) An affidavit resealed by the court pursuant to paragraph (2) shall remain
18 sealed, unless the defendant raises an issue on appeal or collateral review
19 relating to the offer of proof contained in the sealed document. If the
20 defendant raises that issue on appeal, the court shall allow the Attorney
21 General and appellate counsel for the defendant access to the sealed
22 affidavit. If the issue is raised on collateral review, the court shall allow
23 the district attorney and defendant's counsel access to the sealed affidavit.
24 The use of the information contained in the affidavit shall be limited
25 solely to the pending proceeding.

26 (Evi. Code Section 782, Deering's Cal. Codes Ann. 2005)

27 **B. Evidence Code Section 780**

28 Evidence Code Section 780 sets forth general rule as to credibility. It provides:

Except as otherwise provided by statute, the court or jury may consider in determining the credibility of a witness any matter that has any tendency in reason to prove or disprove the truthfulness of his testimony at the hearing, including but not limited to any of the following:

- (a) His demeanor while testifying and the manner in which he testifies.
- (b) The character of his testimony.
- (c) The extent of his capacity to perceive, to recollect, or to communicate any matter about which he testifies.
- (d) The extent of his opportunity to perceive any matter about which he testifies.
- (e) His character for honesty or veracity or their opposites.
- (f) The existence or nonexistence of a bias, interest, or other motive.

- 1 (g) A statement previously made by him that is consistent with his
2 testimony at the hearing.
3 (h) A statement made by him that is inconsistent with any part of his
4 testimony at the hearing.
5 (i) The existence or nonexistence of any fact testified to by him.
6 (j) His attitude toward the action in which he testifies or toward the
7 giving of testimony.
8 (k) His admission of untruthfulness.

(Evi. Code Section 780, Deering's Cal. Codes Ann. 2005)

III.

ARGUMENT

11 A. The Arvizo Boys' Sexual Conduct Is Relevant under Evidence Code Section 780 to
12 Show that they are Not Telling the Truth and that the alleged Molestation by Mr.
13 Jackson Never took Place.

14 At issue is whether the Arvizo boys are telling the truth and whether the alleged
15 molestation/masturbation by Mr. Jackson occurred.

16 The sexual conduct of Gavin Arvizo and Star Arvizo is relevant in this case because
17 it directly hinges on their credibility. Their act of masturbation, watching pornography
18 and using sexually suggestive language is crucial in this case, not for the purpose of
19 showing that they engaged in such acts, but to prove that their molestation allegations
20 against Mr. Jackson is completely false.

21 Mr. Jackson is falsely accused of the horrible crimes he did not commit. The Arvizo
22 family has a pattern of lying under oath. They have a pattern of manufacturing evidence
23 and fabricating facts. The J.C. Penney lawsuit, the welfare fraud, and Janet Arvizo's
24 divorce/child custody battle against her ex husband David Arvizo contain evidence of the
25 Arvizo kids lying under oath.

26 This case is no exception. The Arvizo boys have advanced horrendous allegations
27 against Mr. Jackson.

1 Although the content of the proffered evidence involves the Arvizo boys' sexual
2 conduct, the sexual conduct is not the fact from which the jury is asked to draw an
3 inference about the Arvizo boys' credibility. Rather, the jury is being asked to weigh the
4 evidence to determine whether the Arvizo boys are telling the truth about Mr. Jackson.

5 Indeed, the proffered evidence is admissible under Evidence Code Sections 780
6 (matter having tendency to prove or disprove truthfulness of testimony), 1103 (evidence of
7 the alleged victim's character), and 787 (which excluded specific instances of conduct to
8 attack credibility, but which was abrogated by the "Truth-in-Evidence" (relevant evidence
9 shall not be excluded) provisions of Proposition 8 (Cal Const Art I § 28). People v
10 Franklin, 25 Cal App 4th 328, 30 Cal Rptr 2d 376 (1994).

11 This Motion must be granted.

12 **B. The Probative Value of the Arvizo Boys' Sexual Conduct Is not Outweighed by**
13 **Undue Prejudice or Undue Consumption of Time.**

14 This Court has discretionary power to permit impeachment of a witness. People v
15 Pierce, 269 Cal App 2d 193, 75 Cal Rptr 257 (1969).

16 The probative value of the proffered evidence is not outweighed by the risk of
17 undue prejudice, confusing the issues, misleading the jury or undue consumption of time.

18 First, in criminal cases, prejudice cannot be considered as justified if evidence is
19 only "prejudicial" to the prosecution. Prejudice in this context refers to evidence that may
20 be misused by the jury. People v Filson, 22 CA4th 1841, 1851, 28 Cal.Rptr.2d 335 (1994),
21 overruled on other grounds in People v Martinez, 11 C4th 434, 452, 45 Cal.Rptr.2d 905
22 (1995). The jury will be instructed to weigh the evidence, not for the fact that the Arvizo
23 engaged in sexual conduct, but for the fact that they are not telling the truth when they say
24 that Mr. Jackson masturbated them.

25 Second, at issue is whether Mr. Jackson molested/masturbated the Arvizo boys. The
26 proffered evidence concerns whether the Arvizo boys masturbated by themselves at
27 Neverland during the time in which they and their mother Janet Arvizo claim they were
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1
2 held hostage by Mr. Jackson. This evidence goes directly to the heart of this case.

3 The Motion should be granted.

4 IV.

5 CONCLUSION

6 For all of the foregoing reasons, Mr. Jackson respectfully requests that the Court
7 grant this Motion.

8 DATED: March 1, 2005

Respectfully submitted,

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

13 Robert M. Sanger
14 SANGER & SWYSEN

Brian Oxman
OXMAN & JAROSCAK

15
16 By:

17 
18 Susan C. Yu
19 Attorneys for Mr. MICHAEL J. JACKSON

DECLARATION OF SUSAN C. YU

I, Susan C. Yu, declare as follows:

1. I am an attorney at law duly licensed to practice law in the courts of the State of California, a partner in the law firm of Collins, Mesereau, Reddock & Yu, and co-counsel for Mr. Michael Jackson in this criminal proceeding. I have personal knowledge of the facts set forth herein and, if called and sworn as a witness, I could and would competently testify thereto under oath.

2. During the time period in which the Arvizos claim that they were falsely imprisoned at Mr. Jackson's Neverland Ranch, Gavin Arvizo and Star Arvizo were caught masturbating and watching pornography in one of the guest units. The witnesses to this incident are Rijo and Simone Jackson, children of Mr. Jackson's cousin, Peaches Jackson. They are on the Defense witness list and will testify at trial. (True and correct copies of witness statements of Rio, Simone and Peaches Jackson bearing defense discovery Bates numbers MJ037981-37983, MJ029456-MJ029459, MJ033423-MJ033425 and MJ037972-MJ37973 are attached hereto as **Exhibit A.**)

3. Carol LaMere, a witness in this case, too, has observed and can testify about Star Arvizo's promiscuous behavior. (True and correct copies of witness statements of Carol LaMere bearing defense discovery Bates numbers MJ029465-MJ029467 and MJ037967-MJ037971 are attached hereto as **Exhibit B.**)

4. Moreover, Gavin Arvizo had an email address with the America On Line called gblade2000@aol.com. His password was "Sexy." (A true and correct copy of handwritten notes bearing defense discovery Bates numbers MJ037584 is attached hereto as **Exhibit C.**)

5. Before the Grand Jury, Gavin and Star Arvizo testified that Mr. Jackson showed them pornography and taught them how to masturbate. (True and correct copies of the relevant pages of Gavin Arvizo's Grand Jury transcript (March 30, 2004, pages 339, 408-415; April 15, 2004, pages 1512, 1516, 1545-1546 and 1550) are attached hereto as

1 **Exhibit D**; True and correct copies of the relevant pages of Star Arvizo's Grand Jury
2 transcript (March 29, 2004, pages 103, 118-120 and 176-177 are attached hereto as **Exhibit**
3 **E.**). The indictment alleges ten counts against Mr. Jackson: one count of conspiracy to
4 commit false imprisonment, child abduction and extortion (Count 1); four counts of lewd
5 conduct upon a child (Counts 2, 3, 4 and 5); one count of attempt to commit a lewd act
6 upon a child (Count 6); and four counts of administering alcohol to a minor to assist in
7 commission of a felony (Counts 7, 8, 9 and 10). Mr. Jackson has pled not guilty to all
8 counts. He vehemently denies the false allegations planted in the indictment and
9 maintains his complete innocence.

10 I declare under penalty of perjury under the laws of the State of California that the
11 foregoing is true and correct and that this declaration was executed on this 1st day of March
12 2005, at Santa Maria, California.

13
14 
15

SUSAN C. YU

PROOF OF SERVICE

I, the undersigned, declare:

I am a citizen of the United States of America, am over the age of eighteen (18) years, and not a party to the within action. I am employed at 1875 Century Park East, 7th Floor, Los Angeles, CA 90067. On March 1, 2005, I served the following document:

NOTICE OF MOTION AND MOTION TO ADMIT EVIDENCE OF GAVIN ARVIZO AND STAR ARVIZO'S SEXUAL CONDUCT

on the interested parties addressed as follows:

Thomas Sneddon, Esq., District Attorney
Gerald Franklin, Esq.
Ronald Zonen, Esq.
Gordon Auchincloss, Esq.
District Attorney's Office
1105 Santa Barbara Street
Santa Barbara, CA 93108
FAX: (805) 568-2398

BY MAIL: I placed each envelope, containing the foregoing document, with postage fully prepaid, in the United States mail at Los Angeles, California. I am readily familiar with the business practice for collection and processing of mail in this office; that in the ordinary course of business said document would be deposited with the US Postal Service in Los Angeles on that same day.

BY FACSIMILE: I served a copy of the within document on the above-interested parties, by way of a facsimile, at the facsimile numbers listed above.

☒ BY PERSONAL DELIVERY: I personally served the within document on the above interested parties.

☒ (State) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

(Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on March 1, 2005, at Los Angeles, California.

Susan C. Yu

Memorandum

Re: Interview

By: S. Ross

Subject: Rijo Jackson / Simone Jackson

Rijo Jackson

On January 11, 2005, I met with the above at their home in Lompoc. Rijo and Simone are brother and sister. Their mother is Peaches Jackson, whose father is Lawrence Jackson, brother to Joe Jackson, father to the client. Rijo and Simone are regular guests at the ranch and spent time there with the Arvizo boys.

Rijo was aware that MJJ called wine "Jesus juice" and recalled an occasion where MJJ ordered a bottle of wine brought to the room, and when it was delivered, MJJ was in the bathroom. He said Star went to the door and took the bottle. He watched as both Star, drinking from the bottle, and Gavin drinking from a glass, left the bedroom with the bottle, not to return that evening.

Rijo has slept in MJJ's room in the past, on the floor with blankets. He has never slept in the bed with MJJ and said he had never been touched by MJJ other than hugs. Rijo was adamant that he would have told his mother if he had ever been touched inappropriately.

Rijo is currently 12 years old [REDACTED]. He has problems with exact dates, but believes the following occurred after his birthday, but before Christmas 2003;

Rijo related that on one occasion, he was staying in one of the guest units and had to bunk with the Arvizo boys. Rijo said the Arvizo boys put "porn" on "Comcast" (the television cable in the area) and proceeded to masturbate in their respective beds. Rijo was very upset but claims he had no place else to go. He recalled Star asking him if he "jacked off." He told Simone what had happened, but was told by her that he had to stay in the room with them, that there was nowhere else he could stay.

Rijo has seen both Star and Gavin stealing money from the kitchen counter and from inside the employee's break room. He claims to have told "Maria" about it, but said they were gone by the time he got back with her.

Rijo recalled hearing them talk about girls all of the time. He recalled when Star demanded that his sister, Simone, take off her top and shorts while they were in the swimming pool. He recalled when she would not; Star called her a "fucking bitch."

Rijo was aware of multiple occasions when he would see the Arvizo boys going in and out of MJJ's bedroom when he was either in the studio, or not on the ranch. He added that both the boys would "steal" codes for the bedroom.¹ He specifically recalled they would be in for about 30 minutes each time, but on one occasion they had gone into MJJ's room for about an hour.

Rijo was present with MJJ, the Arvizo boys and Janet when they were talking about Brazil. He recalled that Janet wanted to go for this vacation, and the boys specifically did not. They had asked MJJ if they could stay at the ranch, to which MJJ replied, "Yes, stay as long as you wish." Janet then said, "No, you are going with me."

Rijo was present on the trip to the Toys R Us in Santa Maria. He recalled MJJ seeing a girl in the bushes and taking her with them. He was not certain of Gavin bought any toys at the store but recalled Star getting a video game. Rijo added that the store had instructions that the games were to be rated "E" for Everyone. He recalled there were several people in the limo, but could not recall all of the names other than his sister, MJJ and the Arvizo boys.

Overall, Rijo's recollection of the Arvizo boys were their destructiveness. He recalled they would drive around and intentionally crash the karts into the benches and kick over the statues. He recalled they were generally abusive to his cousin's house.

Simone Jackson

Simone believes she first met the Arvizos in February 2003 at the ranch. She was there on this occasion for Prince's birthday. She recalled a conversation with Davellin that her mother wanted to go to Brazil, that they were going for about a month. She recalled that Janet wanted to go very badly, but the children did not, that they wanted to stay at the ranch. Simone was present with Janet when the boys asked MJJ if they could stay with him at the ranch rather than go to Brazil. Simone recalls MJJ saying they could stay as long as they wanted, and Janet telling them, "No, you are going with me."

¹ It was possible that MJJ had given them the code. The unit held multiple codes that guests were often given.

The majority of the conversations with Davellin were general; schools, friends, things of that nature. Davellin mentioned she lived in Los Angeles and was visiting the ranch. They were not particularly close.

Simone recalled seeing the Arvizo boys in and out of MJJ's room. She saw them using the key pad to gain entry on several occasions and was aware that MJJ was not in his room at the time.

Simone recalled coming into the kitchen area at about 1:00AM on one occasion, seeing the Arvizo boys both drinking alcohol.² She saw Star carrying two wine bottles out of the kitchen area the morning she saw them drinking.

Simone's recollection of the swimming pool incident was the same as Rijo's, except she recalled Star calling her a "pussy." Simone added that when she told her mother, Peaches called Chris Carter who advised MJJ of the incident. She said MJJ asked Star to apologize to her, stating, "I can't make you, but I'm asking you to apologize." She said Star did, but avoided her from that point forward. Additionally, Simone had given Star a picture of herself, which he proceeded to rip into pieces.

Simone related another occasion when she saw the boys steal a plastic encased \$1000 bill from MJJ's desk in his office. Again, she reported the theft to Jesus Salas, but does not know what became of it. She recalled the Arvizo boys would crash the karts and throw rocks at the elephants. She described them as destructive.

² Simone was aware that bottles of wine were kept in the refrigerator outside of the kitchen as well as hard liquor in the kitchen cabinet.



MASON INVESTIGATIVE GROUP

April 21, 2004

via Federal Express

Steve Cochran, Esq.
Katten Muchin Zavis Rosenman LLP
2029 Century Park East, Suite 2600
Los Angeles, CA 90067-3012

Benjamin Brafman, Esq.
Brafman & Ross PC
767 Third Avenue, 26th Fl.
New York, NY 10017

Mark. J. Geragos, Esq.
Geragos & Geragos
350 S Grand Ave #3900
Los Angeles, CA 90071-3480

Robert Sanger, Esq.
Sanger & Swysen
233 E Carrillo St #C
Santa Barbara, CA 93101

Re Peo. v. Jackson
Our File No. 031107

REPORT OF INVESTIGATION

Simone Jackson

We interviewed **Simone Jackson**, 15, at her home in Lompoc on April 3, 2004. Present throughout the interview were **Rio**, Simone's 12 year old brother, and **Elaine Jackson**, their mother. Simone Jackson is second cousin to the client.

Simone visited Neverland ranch three times in early 2003, during which time the Arvizo family was also visiting. She got to know **Gavin**, **Star**, **Davellin**, and, to a lesser extent, **Janet Arvizo** during these visits. Simone and her mother dated these visit to February and March of 2003. The visits were three or four days in duration, and Simone stayed in one of the guest units with **Davellin Arvizo**.

Simone said that **Gavin** and **Star** were rude to her, constantly used profanities, snuck drinks of wine, and at one point urged her to remove her bathing suit top. **Gavin** and **Star** were generally unhappy about Simone and **Rio** being at the ranch, Simone said. "Star was causing trouble because he was jealous of **Rio** and me being there. He was always, 'Fuck this, fuck that. He was nasty with the maids and the chef. He was snotty to them. And they stole stuff too. I saw them put stuff into their pockets, I don't know what, but I know they were taking stuff. I called my mom and told her what was going on."

MJ033423

April 21, 2004

Messrs. Cochran, Brafman, Geragos, Sanger

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Davellin, Simone recalled, was upset because she did not get special attention from the client. "She was jealous because Gavin and Star was always around Michael and she wasn't. It made her cry because Michael wasn't spending as much time with her."

Simone said that Janet kept to herself but was friendly to her. "Janet stayed in one of the guest units. She didn't come out much, but she was really nice to me."

Sneaking wine

Simone told us that on a late night visit to the kitchen she saw Gavin and Star go into the kitchen, take a bottle of wine and leave via the back door of the main house, adjacent to the kitchen. "Star took a drink out of the bottle and I saw Gavin pour some into a glass. They didn't say anything and they went out the back door. Michael wasn't around and I think they went to their [guest] unit with it."

In the pool

Davellin said that Gavin and Star repeatedly urged her to take her off her bathing suit top. "Star called me a pussy and a bitch because I wouldn't take off my top. I called my mom and told her about it. They were really rude and wouldn't leave me alone."

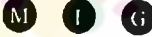
Brazil

Simone said Davellin told her Janet wanted to go to Brazil, but that she and her brothers did not want to go. "Davellin said their mom wanted to go to Brazil but she and Gavin and Star didn't want to go. She said Michael said they could stay if they wanted." Simone did not know anything more about the Brazil trip.

When asked whether there seemed to be any problems with the Arvizo family, as if they were scared of anything or otherwise upset, or angry with the client, Simone said, "They weren't upset about anything when I saw them."

Pornography, masturbation

Simone told us that Rio told her that Gavin and Star had tuned in some pornography from a satellite station in their guest unit. Simone said that Rio had told her that Gavin and Star were "jacking off," and urging Rio to do so also.



MASON INVESTIGATIVE GROUP

April 21, 2004

Messrs. Cochran, Brafman, Geragos, Sanger

Page 3

Cursing in the theater

Simone said that she recalled an episode during which Gavin and Star began cursing Michael Jackson. "We were in the theater and Michael left to go do some work. After he left Gavin said, 'That f'in bastard,' and they were like laughing at him after he left."

Investigation is continuing.

Regards,

Eric Mason

EM/am

MJ033425

M I G
MASON INVESTIGATIVE GROUP

April 21, 2004

via Federal Express

Steve Cochran, Esq.
Katten Muchin Zavis Rosenman LLP
2029 Century Park East, Suite 2600
Los Angeles, CA 90067-3012

Benjamin Brafman, Esq.
Brafman & Ross PC
767 Third Avenue, 26th Fl.
New York, NY 10017

Mark. J. Geragos, Esq.
Geragos & Geragos
350 S Grand Ave #3900
Los Angeles, CA 90071-3480

Robert Sanger, Esq.
Sanger & Swysen
233 E Carrillo St #C
Santa Barbara, CA 93101

Re Peo. v. Jackson
Our File No. 031107

REPORT OF INVESTIGATION

Rio Jackson
[REDACTED]
[REDACTED]

We interviewed **Rio Jackson**, second cousin to the client, on the afternoon of April 3, 2004, at his home in Lompoc. Rio, 12, visited Neverland Ranch on three occasions in 2003 when the Arvizo children and their mother were also guests. Elaine Jackson, Rio's mother, and Simone Jackson, Rio's 15-year-old sister, were present throughout our interview.

Rio said that he first met the Arvizo children during a visit to Neverland which coincided with the birthday of one of the client's children. Rio and his mother dated this visit to February 13, 2003, or thereabout. Rio and Simone visited the ranch for two more extended stays in February and March of 2003. The Arvizos were present during all three visits. Rio believes **Janet Arvizo** was present during each of his visits in the time period above, but he did not see much of her and did not speak with her, as far as he can remember. Rio said that from what he can recall, Janet stayed in her guest unit all the time.

Rio described the two Arvizo boys, **Gavin** and **Star** as "snotty," and he said that they generally behaved like brats. "They were rude to the staff. They would be like, 'I want vanilla, not chocolate!'" Rio said that Gavin and Star threw rocks at the llamas in the zoo and "wrecked stuff, like golf carts." Rio said that both Arvizo boys drove golf carts off road and crashed them

M I G
MASON INVESTIGATIVE GROUP

April 21, 2004

Messrs. Cochran, Brafman, Geragos, Sanger

Page 2

into walls, fences and trees. Both Arvizo boys used profanity, and both were rude to Rio and his sister, he said. Rio believes that Star and Gavin, and to a lesser extent Davellin, were extremely jealous of Rio and Simone's presence at the ranch.

Rio said that he saw both Gavin and Star sneak a drink of the client's wine, that they watched pornography on the television in their guest unit, and that both Gavin and Star encouraged Rio to masturbate as they began to do so themselves in front of him.

Sneaking wine

Rio recalled one occasion when a house staff member delivered wine to the client in his room. Rio, Gavin and Star were in the room with the client at the time. When the client went to use the bathroom, both Gavin and Star "helped themselves, they snuck" drinks from the client's wine as Rio watched. The client was never aware that Gavin and Star had sipped his wine, Rio said.

Pornography, masturbation

Rio said that he and Gavin and Star shared one of the guest units during one of Rio and Simon's visits to the ranch. Gavin and Star tuned in a pornographic movie on more than one occasion, Rio said. During one such episode, Rio said that Gavin and Star asked him if he "jerked off," and encouraged him to do it with them. "When we were in our unit they put on a porno movie and they asked me if I jerked off," Rio said. "I said, No, and they said 'You should, it feels good.' And then they pulled down their pants and were playing with themselves under the sheets." The Arvizo boys were in separate beds, side by side, Rio said. When asked which of the Arvizos had asked whether he jacked off, Rio said, "Star asked 'Do you jack off?' and Gavin was like, 'Do you? Do You? It's feels good, you should.'" Rio believes this occurred during the second or third time he visited the ranch when the Arvizos were there, in February or March 2003.

We asked Rio what he did as the Arvizo boys "played with themselves." "They were both doing it. I just left and went to the kitchen and told Simone about it." Rio said that neither Gavin nor Star exposed themselves to him, but instead were "just playing with themselves under the sheets and telling me to do it too."

Badgering Simone to take off her shirt

Rio told us that Gavin and Star also urged his sister Simone to take off her shirt while the group was swimming. "They were telling her 'Come on, take off your shirt.' And when she wouldn't

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do it Star said 'You're a fuckin' bitch' and Gavin said 'You're a pussy.'" Rio said that he had seen both boys moon Simone, also. No one else was around during this episode, Rio said.

Looking through drawers and closets

Rio said that he frequently saw Gavin and Star going through drawers and looking in closets in the main house when no one else was around. He said that they seemed to always be looking for something to take. He saw both boys "breaking into the chef's drawer" in the kitchen and taking a paperweight that contained a thousand dollar bill. "Gavin took it and put it in his pocket and they were saying [to each other] we'll split it 50-50."

Gavin and Star also rifled the office adjacent to the kitchen, near the back door of the main house. According to Rio, the boys located the paperwork containing the various combinations to keypad locks on doors throughout the ranch, including the combination to the wine cellar.

Rio said that he recalls Gavin and Star leaving their guest unit late one night and going to the office above the client's office that was being used by **Vincent Amen**, known to Rio only as "Vinnie." "They were ransacking the place at night and I saw them go over to Vinnie's office and I saw the light go on and they were in there looking around."

Wine cellar

Rio said that he saw Gavin and Star frequently go into the wine cellar by themselves while he played video games in the arcade. Rio did not join the two in the wine cellar and he cannot say whether they were drinking alcohol while there.

Cursing Michael Jackson

Rio said that Gavin and Star Arvizo had cursed Michael Jackson in Rio's presence. "We were in Prince's room and Michael walked out of Prince's room and they were like, 'That funny little bastard. We don't like him.'"

Miscellaneous

We asked Rio whether any of the Arvizos, especially Gavin or Star had ever said anything about the client's treatment of them. We also asked specifically whether Gavin or Star had mentioned anything about lewd conduct on the part of the client or the client supplying alcohol to them or urging them to drink alcohol. Rio said that neither Gavin nor Star had ever mentioned anything

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about being mistreated by the client. The boys never mentioned having been touched in a sexual way or being supplied with alcohol. Rio said that the boys never changed the way they acted or spoke around him throughout the three visits in February and March of 2003.

Investigation is continuing.

Regards,


Eric Mason

EM/am

MJ029459

Memorandum

Re: Interview
By: S. Ross
Subject: Peaches Jackson

Peaches Jackson
[REDACTED]

Peaches Jackson was interviewed telephonically on 1/7/05. Ms. Jackson is MJJ's first cousin. Her daughter is Simone and her son, Rijo. She related several incidents as follows:

On one occasion, the Arvizo brothers were in the guest house with Rijo. They put on adult material on the television¹ and began to masturbate. She said they would not let Rijo leave the room and he was very upset by this.

There was another occasion when Star approached her daughter, Simone, and demanded she either strip for him, or take off her top.² When she declined, she was called a "fucking bitch" by Star. Upon hearing this, Peaches contacted Chris Cater. She wanted to know what was going on and why this type of language was being used at the ranch. Carter told Peaches, "These (Arvizo) kids were out of control and 'a handful.'"

Both Simone and Rijo have told Peaches they have seen Gavin and Star going into the liquor cabinet in the kitchen. She described a cabinet to the left of the sink where hard liquor is kept.

Rijo told Peaches about a time when MJJ called Francisco and requested a bottle of wine into his room. Several children were there, including the Arvizos. MJJ left to go to the bathroom and the Arvizos drank wine directly from the bottle while MJJ was gone. MJJ was apparently not told of this occurrence.

Simone indicated that she had been with the Arvizos in MJJ's office on one occasion when they shoved a laminated \$1000 dollar bill into their pants. She was too afraid to tell anyone, feeling intimidated by the Arvizo boys.

¹ She was not certain as to whether this was a video or HBO. She referred me to Rio for this information.

² Please refer back to the Carol LaMere interview when Star demanded a number from a waitress after a trip to Magic Mountain.

Simone was told the Arvizo boys did not want to go to Brazil, it was Janet that wanted to go. Simone said MJJ told the boys if they did not want to go they could stay at the ranch "for as long as they wanted" something MJJ said to children, including Rio and Simone.

Peaches is aware that many people, such as Joe Marcus and Evvy make decisions for MJJ without consulting him. She was aware that Frank was making decisions about people coming and going from the ranch without MJJ's knowledge. She added that if one tries to go over the heads of Evvy or Joe Marcus, they can be told to leave by security, again, without the knowledge of MJJ.

Peaches gave as an example; she has bad knees. She once took a cart without permission and was told that she can no longer use the carts that they were for guests. When she tried to go to MJJ, she was removed from the ranch and has been advised that she may not return. She has not been there for about a year. Her children, however, can still go there.

Peaches does not know how much Carter was aware of what was going on was, but knows he had a lot of problems with these (Arvizo) children.

Peaches indicated the police have been to the children's schools. Both had declined to be interviewed by the police on her advice, as well as having told the school she does not want her children to be interviewed by the police. She was disappointed to learn that the school does not have to notify parents as long as a school official/ adult is present.

EXHIBIT B


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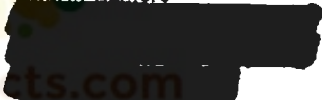
December 6, 2004

via fax and fedex

Thomas Mesereau, Esq.
 Susan Yu, Esq.
 Collins Mesereau Reddock & Yu
 1875 Century Park East, Suite 700
 Los Angeles, CA 90067

Re Peo. v. Jackson
 Our File No. 031107

REPORT OF INVESTIGATION

Carol Lamere


We interviewed Carol Lamere on May 2, 2004 at her Culver City residence and subsequently by telephone. Lamere has known the client for many years.

Lamere met the Arvizos in the mid-1990's, when Janet Arvizo enrolled the kids in dancing lessons at a studio run by a friend of Lamere's (Arlene Kennedy). Lamere's son, Quai Lamere, also attended the school. From the start, Lamere observed that Davelin was quiet, that "Star was weird," and Gavin had "behavioral problems." The children told her that they lived in a barn. They often told her sad stories about their life, many of which Lamere did not believe.

After the Arvizos met the client, all the Arvizo children said that the client was a "second father" to them. They never complained about the client.

According to Gavin, Star, and Davelin, their father did not physically abuse them, but Janet did hit them on occasion. Davelin told Lamere that Janet was trying to "run David out" by accusing him of hitting children. Davelin admitted that Janet often hit David and screamed at him.

After the Arvizos met the client, Janet would pester David to asked the client for money. Janet also had David ask Lamere for money, although she never gave him any.

Davelin told Lamere that Janet forced the children to shoplift. Lamere spoke to Janet about the J C. Penny incident and at first Janet said it was a minor incident, but later exaggerated the facts. In fact, Janet first reported the story as if she had been "jumped in a black area in the Valley," and "had ruined her back." David later told Lamere that the J C Penny incident was fabricated.

Thomas Mesereau, Esq.
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Lamere helped organize a fund raiser for Gavin. Janet insisted that she did not want the money to go in a trust account. Janet pestered another fund raiser, **Anita Pointer**, about collecting a lot of money, fast.

Jamie Masada, who Lamere says did not introduce Gavin to the client, also raised money for Gavin. The rumor is that Jane spent the money raised on herself. Lamere did not even show up to the fund raiser, but told people she had gone.

Lamere suggested to the client that he give David and his family a car so David would be able to drive to the hospital to visit Gavin.

In 2000, Davelin lived with Lamere because Davelin was not getting along with Janet, who was dating a police officer that was rumored to be a pedophile. "Davelin hated being with Janet, she cried whenever she was on the phone with Janet." Lamere commented. Davelin told Lamere that Janet would wake her up in the middle of the night, would hit her and demand that she do things like clean the house or run to the store. Davelin also complained to Quai about Janet's abusive behavior. Lamere noticed that when Davelin came over, she smelled and was not bathing.

At the time, Davelin told Lamere that Michael was going to buy her family a big house. After questioning Davelin about what she meant, Lamere figured out that Davelin was implying that Janet was going to blackmail Michael, forcing him to buy the family a house. The plan was to accuse the client of showing the children how to log on to adult websites. Davelin acted as if she did not know how to use the internet until she met the client. Lamere became upset and told Davelin that it was wrong to falsely accuse someone of wrongdoing. Davelin became flustered and scared and then said she was joking. Shortly thereafter, Lamere called **Evi Tavaschi** and told her to "get Michael away from the Arvizo kids."

Quai told Lamere that Davelin was very experienced in using the internet and taught Quai had to do so. She told Quai that she had been participating in chat rooms for a "long time." In fact, Lamere noticed that while Davelin was living with her, Davelin spent a lot of time on chat rooms, some of which she thinks were adult-themed.

Davelin told Lamere that Janet had Davelin tell people that David molested her (Davelin), but that this was not true.

Davelin also told Lamere that when **Chris Tucker** took the family to Las Vegas, Janet jumped out of the car and threatened to kill herself.

Lamere did not want Star to stay with her because he was "trouble," a "horny nine year old." Star bought Lamere gifts and had a crush on her. Lamere recounted when she went to a restaurant with the three Arvizo children and Star, who was nine at the time, tried to pick up on

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M I G
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the waitress, who thought Star was just being a precocious kid. When the waitress refused to give Star her telephone number, Star became irate.

After Davelin moved out, Lamere became aware that the Arvizo children "had done a 180, and were not complaining that David was abusive. Everything Janet had done, suddenly turned into stuff David did." The Arvizo children also bragged that they were living in the Hollywood hills and going to private school.

The last time Lamere saw David, David admitted that Janet wanted the children to "con her." David would not elaborate, but was upset.

Investigation is continuing.

Regards,

Joseph Parisi

JP/sm

MJ029467

Memorandum

Re: Interview

By: S. Ross

Subject: Christine Causer

Carol LaMere

Carol LaMere was interviewed at her home, [REDACTED] on 11/12/04. She met the Arvizo family through the tap school owned by Arlene Kennedy on Olympic and Fairfax. Her son, Quai, was a few months older than Gavin and in the same class. Ms. LaMere knew Michael Jackson and was his hair stylist. She received a call from Vernee Watson - Johnson who indicated one of the kids in the class was sick and dying of cancer. The boy had expressed an interest in meeting Michael Jackson. Ms. LaMere contacted Michael Jackson secretary, Evvy and made the arrangements.

Ms. LaMere recalled when Gavin was in the hospital Janet was never there. Although still married, Ms. LaMere says the family would not let Janet go to the hospital as she was disruptive. Ms. LaMere said that according to Davellin, the reason Janet didn't go to the hospital was she did not like the environment.

Davellin added that Janet had a boyfriend who was a CHP officer while still married to David. After the problems within the family, Davellin started living with Ms. LaMere. This was after Gavin had been diagnosed in the summer of 2000, at the house where Ms. LaMere presently resides.

Davellin was not crazy about her grandparents and asked Ms. LaMere if she could move into the LaMere house instead. Davellin would stay for weeks at a time and would tell stories about being awakened at 2:00 in the morning by Janet; being beaten with a cord by their mother; and being forced to clean the house. Davellin also would tell how Janet would hit their father, David. Ms. LaMere said that Davellin would cry constantly about Janet hitting the children, all three of them.

Each time Davellin appeared at the house, she would have new stories about Janet and at one point in the Summer of 2000 said that they were going to get a big house in the Hollywood Hills. Ms. LaMere had no idea what that meant. In August or September of 2000, LaMere went to see Michael Jackson and asked for a vehicle for the Arvizo's to use while Gavin was in the hospital, as David had no transportation to and from the hospital. Jackson was staying at the Bellaire Hotel at the time. La Mere told Jackson David had no way to get Gavin to and from the

hospital and Janet would not let David have the family car. Ms. LaMere indicated that Jackson said Gavin always saying that his mother as "loco". Jackson made arrangements to get David Arvizo a Bronco as well as sending Gavin a laptop computer.

Among other gifts, Ms. LaMere said Jackson gave Gavin video games and players. Ms. Kennedy was also present when a Playstation was delivered in the hospital in August or July of 2000.¹

Ms. LaMere said Janet would take the children places and intentionally not feed them or bring food. It was Janet's intent they would be fed by whomever they were going to visit.

Ms. LaMere indicated that Davellin became jealous when Gavin got sick because of the attention he was getting and that Gavin would go to Neverland Ranch and meet Michael Jackson. Gavin would tell people it was up to him to decide who could stay at Neverland Ranch and when they would go.

Ms. LaMere found out that Jaime Masada was doing a fund raiser. She did not attend but heard Gavin told jokes and performed. According to Ms. LaMere, Gavin said Janet never attended the fund raiser, although it was Janet who told LaMere what a great job Gavin did at the show.

Ms. LaMere heard a story from David, when Janet arrived at the parent's house and had gone on a glass breaking fit over David's not giving her the check from the fund raiser. LaMere was told Janet went around her parent's house and started breaking every single piece of glass in the house demanding she be given the check and continued to damage the house until she received it.

Ms. LaMere referred me to a woman named Nancy Catullo, [REDACTED] who Janet had approached for purposes of setting up an account to deposit money on Gavin's behalf. According to LaMere, when Catullo told Janet they needed Gavin's social for the account, Janet demanded to just put it under Janet's social. When La Mere suggested a fund raiser through people she knew, she related Janet's response, "How much can you get and how fast can you get it?" LaMere indicated Janet called every day looking for money from various people.

Ms. LaMere was also concerned about the behavior displayed by Star, indicating Star would flirt with grown women in an "unnatural manner." She related a story of being at the Claim Jumpers Restaurant, and Star offering a \$5.00 tip to a

¹ According to Louise Palanker a PlayStation was delivered to them by Fritz Coleman and Ms. Palanker Christmas of '99.

waitress, his last \$5.00. Star demanded the waitress' phone number, and became vocally angered when she refused, demanding his money back.

Davellin would tell LaMere stories that Janet would get the children to shoplift and believes this is what actually took place while they were at JC Penney's. While Davellin was living with LaMere, she learned that Davellin worshipped her father and would ask David to come over and cook her dinner. According to LaMere, it was David who was always there cooking, cleaning, and taking care of the family since they were small children.

LaMere recalled one evening when the entire Arvizo family came over to her home and brought some ice cream. Gavin jumped into bed and woke her son Quai to join the family in ice cream. During this gathering, for no known reason, Janet Arvizo got "weird and angry" and demanded that her entire family leave. When the family said they wanted to stay, Janet took the car and left them at the LaMere apartment, coming back about 5 minutes later. LaMere, the children, and David were standing outside when Janet returned. Janet got out of the car and started screaming and hitting David. LaMere did not know what happened after they left later on and referred to all three of the children talking about how crazy their mother was. She still doesn't know what happened but heard that Janet wanted David to ask LaMere for money; David refused.

Janet would tell LaMere, Gavin was going to die and started making preparations for his funeral. It was David that repeatedly said Gavin was going to be fine, that he was going to get better and kept a positive thought. Davellin was very upset about Janet trying to bury Gavin before he was dead.

LaMere recalled Davellin telling her a story of a fight coming from the bedroom with her mother and another man, not their father, and believes the argument was about Janet going to get plastic surgery.

With respect to the JC Penny's matter, Janet said she had been jumped by a black guy, and as such, unable to go meet with Arlene Kennedy on a specific date because of the assault. According to LaMere, the facts of the assault were the same as the facts of the JC Penney incident. LaMere believes that this was a coordinated shoplifting attempt that went bad and Janet saw an opportunity to turn it into a money making venture.

LaMere received a call approximately one month before the Arvizo divorce proceedings from Janet, now claiming that David was beating her. LaMere allowed Davellin to come to her house, who stayed long enough to try to change the story, that David was now the one beating the family making the kids shop lift, as opposed to Janet. She believed Janet sent Davellin to live at her house so that

she could do nothing more than reverse and repair the stories Davellin had been telling all summer. At one point when LaMere confronted Janet about the accusations about David, Janet's response was to yell over the phone, "If you don't believe me you'll never see the kids again." LaMere has never seen them since.

LaMere went into court on David's behalf when he was charged with the domestic violence. Janet came into court in a wheelchair. She did not see the kids in the courthouse that day. She referred to Janet trying to get David's sisters arrested but didn't have all of the detail. LaMere said the kids were now saying that David also molested them. She described the kids as trained con-artists.

LaMere received a call from Frank Casio to ask why she was telling the Arvizos to ask MJJ for money. LaMere called David, who said Janet was demanding that he ask MJJ for money. LaMere has had no communication with Janet since David's trial.

At one of the court proceeding in the Jackson matter, LaMere and Watson-Johnson were sitting in court when Janet testified. Janet became accusatory indicating that LaMere was making faces and bothering her during the proceedings. When Janet made the allegation that "someone was bothering her" Vernee Watson stood up. Janet pointed out that it was not Vernee but LaMere. LaMere believed that it was her presence that bothered Janet because she "knew the truth about Janet."

According to LaMere, Arlene Kennedy received a call from Janet indicating that the press was holding her prisoner, using the exact words that she now uses against MJJ.

LaMere has heard about a deal she made with 48 Hours and that possibly had made a book deal, but was not certain from where this information came.

LaMere recalled the Thanksgiving of November of 2000 where she had cooked the family dinner as Janet indicated they were unable to cook for themselves, stating that they didn't have any money and they didn't have any food. Janet always indicated that David didn't provide and they never had any food in the house. Janet repeatedly told people they had no insurance and that they needed money to pay the medical bills even though LaMere was aware that Gavin was being treated by Kaiser.

With respect to David pleading guilty to the domestic violence charges, she characterized it as follows; if David had gone to jail he would have lost work and would not have been able to maintain the health insurance that Gavin needed. It

was easier for him to plead guilty or no contest and go back to work. David was aware that either way, he was not going to see the children.

Davellin also advised Carol about the story about Janet jumping out of the car and abusing David while driving back from Las Vegas and the Chris Tucker movie.² LaMere was aware of the similar facts as related by David Arvizo.

² Please David Arvizo's version of this incident.



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DATE

10/1/00

OUTGOING CALLS

NAME

TIME

NAME

MESSAGE

CALL
COMPLETED

Wayne

~ Dep. Fri

at Sun: Barry

~ Dep Mon for Anna

Jo Ann

Password: [REDACTED]

✓ For Gavin - AOL [REDACTED]

in folder - give them your address &
 ~ last 4 digits of ^{my} credit
 and [REDACTED] "if you will then
 be able to get technical
 support as per contract"

~ Temp password: [REDACTED]

you will need to
 change this when
 you log on

[REDACTED]

1 truth, the whole truth and nothing but the truth so help
2 you God?

3 THE WITNESS: I do.

4 MADAM FOREPERSON: Thank you. Have a seat.
5 Would you please state and spell your full
6 name.

7 THE WITNESS: Gavin, G-a-v-i-n dash A-n-t-o-n,
8 Arvizo, A-r-v-i-z-o.

9 MADAM FOREPERSON: Thank you.

10
11 GAVIN-ANTON ARVIZO,
12 having been duly sworn, testified in the Grand Jury
13 proceedings as follows:

14
15 EXAMINATION

16 BY MR. SNEDDON:

17 Q Now, Gavin, I'm going to ask you, if you can,
18 to scoot right up to this microphone the best you can
19 and talk right into it, okay?

20 A Okay.

21 Q Lean right into it. Gavin, what's your
22 birthday?

23 A [REDACTED]

24 Q So how old are you today?

25 A 14.

26 Q And when you were in the fourth grade, what
27 school did you go to?

28 A Nuevo Vista.

1 A Calabasas.

2 Q Do you remember who was with you?

3 A Well, it was me, my mom, my sister, and my
4 brother. We all stood in a room. And like Frank and
5 Vinnie, I think they stood in another room.

6 Q Were you free to go places by -- wherever you
7 wanted to go?

8 A No. They didn't let us leave the room. I
9 don't even think they let us have the keys to the room.

10 Q After that did you go back to Neverland at some
11 point? After the visas and the passports and all that,
12 did you go back to Neverland?

13 A Yes.

14 Q And where did you sleep when you went back to
15 Neverland?

16 A Michael's room.

17 Q Was Michael there?

18 A Well, a few nights when Michael wasn't there I
19 would sleep there, because I'd go to his room, me and my
20 brother, sometimes we'd sleep there. But usually when
21 he wasn't there we wouldn't sleep there.

22 Q Were there nights when he was there, after you
23 got back from the passports and visas and stuff like
24 that?

25 A Yes.

26 Q Now, during the time after you came back with
27 the passports and the visas, did -- did the subject
28 matter of masturbation ever come up?

1 A Yes.

2 Q Tell us about it?

3 A Michael would tell me that --

4 Q You're going to have to lean into that now,

5 Gavin.

6 A Michael would tell me that if I knew what

7 masturbation was and if I masturbated.

8 Q And where were you when he asked you that?

9 A We were -- I was -- well, one time he asked me

10 when we were walking down his hallway to his room, and

11 my brother was there, and my brother said he didn't.

12 And Michael told me if I masturbated, and I said no.

13 And then he acted like if I was like being mean to him

14 because I didn't tell him that. He said I wasn't

15 telling him the truth. So he was kind of angry at me.

16 Q All right. When was the next time you talked

17 about it?

18 A We're in his room.

19 Q Which room?

20 A His room.

21 Q Downstairs or upstairs?

22 A Upstairs.

23 Q Where were you in the room?

24 A In his bed.

25 Q Was there anybody with you?

26 A When he talked to me about it, no.

27 Q Just you and Mr. Jackson?

28 A Yes.

1 Q All right. Tell the ladies and gentlemen of
2 the Grand Jury the conversation? Lean into the
3 microphone and tell them about it.

4 A We were laying on the bed and he told -- he
5 told me that men have to masturbate -- well, males have
6 to masturbate or else they won't be able to like -- like
7 be normal, they'll always be like unstable, because they
8 have to.

9 And he told me about a story about a boy that
10 he saw have sex with a dog because he didn't masturbate.
11 And, you know, he told me that men have to masturbate.

12 Q All right. What happened after that?

13 A He told me if I knew how.

14 Q And what did you say?

15 A I said no.

16 Q All right. What happened next?

17 A He told me that he wanted to teach me.

18 Q Say that again?

19 A He told me that he wanted to teach me.

20 Q All right. Tell us what happened?

21 A So we were laying in the bed, and then he
22 started rubbing me.

23 Q Rubbing you how?

24 A He put his hand down my pants and he started
25 rubbing me.

26 Q What part of your body was he touching?

27 A My private area.

28 Q I know this is tough, Gavin, but you're going

1 to have to tell us. What was he doing to you?

2 A He was masturbating me.

3 Q And did you see what he was doing at the time

4 that he was doing that?

5 A No.

6 Q Where was he on the bed?

7 A He was lying next to me.

8 Q Could you tell whether or not his body was

9 moving while he was masturbating you?

10 A Yes. He was moving.

11 Q How was he moving, could you tell?

12 A Kind of looked like he was touching himself.

13 Q But you didn't look over?

14 A No.

15 Q Did you have your eyes open?

16 A Yes.

17 Q Did you look over to see his eyes at any time?

18 A Yes.

19 Q What did you see?

20 A His eyes were like squinching really tight.

21 Q During the time that he masturbated you on this

22 first occasion, how long did it last, do you have any

23 idea?

24 A I don't know. Probably five minutes or

25 something like that.

26 Q Do you know what ejaculation means?

27 A Yes.

28 Q What's it mean?

1 A When male -- male sperm comes out of his penis.
2 Q Did you ejaculate?
3 A I think probably once, or -- I don't know.
4 Q Now, did that ever happen to you again?
5 A Yes.
6 Q All right. Tell me about it?
7 A Well, it's because he never told me about that,
8 and he never did that when my brother was there.
9 Well -- well, he -- well, that kind of thing. Then when
10 my brother left, that's when he started talking about
11 like if I knew how to masturbate and stuff like that.
12 Q So is that when your brother stopped sleeping
13 in the room.
14 A No. My brother told me about --
15 Q No. Let's not talk about what your brother
16 told you. Let's talk about what happened to you. What
17 you just described to the grand jurors occurred after
18 your brother stopped sleeping with you in Michael
19 Jackson's room?
20 A Yes. When I was awake and we were awake, he
21 did that to me. Yeah.
22 Q Okay. Now, did that ever happen to you again?
23 When was the next time, if any -- ever?
24 A The following night.
25 Q Tell us where you were?
26 A We -- like usually we'd go out into the arcade
27 and drink a lot, and we'd come back, and then he'd do
28 that to me again. He said he still wanted to teach me,

1 and he would do it again.

2 Q Okay. Did he do it again?

3 A Yes.

4 Q The same way he did before?

5 A Yes.

6 Q Do you remember whether you ejaculated or not?

7 A No. I don't think I did.

8 Q Had you and Mr. Jackson been drinking on these

9 evenings?

10 A Yes.

11 Q Before you got into bed with him?

12 A Yes.

13 Q Where had you been drinking?

14 A Where?

15 Q Yeah.

16 A Down in the arcade. And we were -- sometimes

17 we'd bring stuff up also to the room.

18 Q All right. You told us about two occasions

19 now, a night and then the next night that Mr. Jackson

20 masturbated you, correct?

21 A Yes.

22 Q Did he do it again?

23 A A second -- I think so. Because it's --

24 because we drink a lot. So it's kind of like -- because

25 I know for a fact he did those twice. But it kind of

26 feels like we're remembering back to kindergarten, like

27 you don't know if it really happened or not. So -- but

28 I'm sure about twice.

1 Q And after that you were in bed with him each
2 night after that?

3 A Yes.

4 Q And you'd been drinking a lot?

5 A Yes.

6 Q And do you have some recollection that you feel
7 that something happened to you during those occasions?

8 A Yes.

9 Q But you drank too much, or drank a lot?

10 A Yes.

11 Q What is it that you recall that you believe
12 happened?

13 A That he did it again.

14 Q How many times do you think that that happened
15 like that?

16 A Probably about five times.

17 Q Five times in total or --

18 A Five times in total.

19 Q So the first two times you have a very clear
20 recollection of?

21 A Yes.

22 Q Then the three other times?

23 A It feels like if I'm trying to remember back to
24 kindergarten. It feels kind of dream-like.

25 Q Okay. Did you ever talk to Mr. Jackson about
26 those -- those occasions where he masturbated you?

27 A No.

28 Q Did he say anything to you when he was

1 masturbating you?

2 A No.

3 Q Okay. Gavin, I'm going to ask you a very
4 difficult question. Did you at any time -- did you at
5 any time touch Mr. Jackson?

6 A No. He -- he wanted me to, but I didn't. I
7 said no. And I pulled my hand away.

8 Q I didn't hear what you said at the end.

9 A And I pulled my hand away.

10 Q You pulled your hand away?

11 A Yes.

12 Q How -- where was your hand when you pulled it
13 away? Had he put his hand on your hand?

14 A Yeah. He put his hand on my hand, and he was
15 trying to gesture my hand to go to where he wanted me to
16 touch it. I pulled my hand away.

17 Q So you never really touched his private part?

18 A No.

19 Q He was just moving your hand in that direction?

20 A Yes.

21 Q When did that happen?

22 A Second time, I think.

23 Q Okay. Now, I'm going to show you a photograph
24 and ask you if you recognize this. I'm going to show
25 you a photograph, Grand Jury Exhibit No. 7. Do you
26 recognize that?

27 A Yes.

28 Q Tell us about that?

1 SANTA BARBARA, CALIFORNIA; THURSDAY, APRIL 15, 2004

2 1:10 PM

3 GRAND JURY PROCEEDINGS

4
5
6 MADAM FOREPERSON: Okay. This hearing is now
7 in session. Let the record reflect that the same 19
8 jurors who were present at this morning's role call are
9 now present.

10 MR. ZONEN: Recall Gavin Arvizo to the stand.

11 MADAM FOREPERSON: Hi, Gavin. Would you stand
12 and raise your right hand, please. Thanks.

13 Do you solemnly swear that the evidence you
14 shall give in this matter now pending before the Grand
15 Jury of the County of Santa Barbara shall be the truth,
16 the whole truth and nothing but the truth so help you
17 God?

18 THE WITNESS: I do.

19 MADAM FOREPERSON: Thanks. Have a seat.

20
21 GAVIN-ANTON ARVIZO,
22 having been duly sworn, testified further in the Grand
23 Jury proceedings as follows:

24
25 EXAMINATION

26 BY MR. ZONEN:

27 Q Gavin, good afternoon. Welcome back to Santa
28 Barbara, and thank you for coming back for a few more

1 A No.

2 Q So they were always occasions at the beginning
3 when you were with your father you stayed in the guest
4 house?

5 A Yes.

6 Q Now, that one time that you said at the very
7 beginning, your father was there, was he not?

8 A Both my mother and father were there.

9 Q And they stayed in the guest house?

10 A Yes.

11 Q Nothing happened during all of these visits in
12 2000 into 2001; is that right?

13 A What do you mean by nothing happened?

14 Q There were no acts of molestation, he didn't
15 behave inappropriately, you weren't drinking alcohol, am
16 I right?

17 A Besides like he showed us the internet.

18 Q Ah, that's true. You would consider that to be
19 inappropriate, would you not?

20 A Yes.

21 Q And that was at the very beginning? In other
22 words, the web sites that had pornography and adult
23 pictures; is that right?

24 A Yes.

25 Q Okay. Other than that, there was -- you were
26 not drinking alcohol during this period of time?

27 A No.

28 Q Gavin, was there a period of time where you

1 A Yes.

2 Q Did it ever happen where you'd wake up the next
3 morning and you wouldn't feel well either?

4 A Yeah. It was like -- because it's like I'll go
5 to sleep really late and stuff and wake up and my head
6 would be hurting.

7 Q Was there ever an occasion where your brother
8 was on the bed with you when Michael Jackson did
9 something physically inappropriate, sexually
10 inappropriate?

11 A My brother was on the bed?

12 Q Yes. Actually on the bed, or Aldo for that
13 matter?

14 A No. I already said nobody was there.

15 Q So on all of the occasions where he did
16 something to you sexually, physically inappropriate,
17 nobody else was in the room besides you and Michael
18 Jackson?

19 A No.

20 Q Okay.

21 A Not unless like a Navy seal dropped down.

22 But --

23 Q Did you ever talk with Michael Jackson about
24 the things that he was doing? In other words, did you
25 ever kind of ask him why he did it, or what he was
26 doing?

27 A He told me, he would say because he wanted to
28 teach me.

1 Q Because what?

2 A He said that he wanted to teach me.

3 Q Okay. That was in conjunction that he wanted
4 to teach you about masturbation?

5 A Uh-huh.

6 Q Is that right?

7 A (Nods head up and down.)

8 Q This is an interesting note here, because I had
9 forgotten about this as well. I was asking about the
10 scripts. And, of course, there -- the rebuttal video,
11 there was a script for that; is that right?

12 A Yes.

13 Q All right. Who was it who prepared that
14 script?

15 A Dieter.

16 Q That was Dieter?

17 A Uh-huh. Well, I think he prepared it. He was
18 the one that presented it to us.

19 Q I'm sorry?

20 A He's the one that presented it.

21 Q Okay. And was somebody actually using the
22 script during the video?

23 A Like -- it wasn't really like a script to
24 memorize, it was more like he told us like pretty much
25 the answers to the questions, and like --

26 Q But were you coached before that as to what you
27 would need to say?

28 A Yes.

1 coming up?

2 A Yeah.

3 Q And who would that have been?

4 A I don't know. Like anybody. Frank, the
5 people -- like he might have ordered some food earlier.
6 The people might have came through and the thing goes
7 off.

8 Q Did your mother ever ask you where you were
9 sleeping in Michael Jackson's place?

10 A Yeah. I think she kind of knew. Because it's
11 like I would always be in there, in the main house. She
12 never asked me.

13 Q It wasn't something that you and she discussed?

14 A Not really.

15 Q Did you ever tell Michael Jackson you didn't
16 want to learn about the things he wanted to teach you,
17 such as masturbation?

18 A I don't know.

19 Q Gavin, why do you think you continued to stay
20 in his room and even in his bed after the first time
21 that happened. Why do you think that is?

22 A I really don't know why. Now that I see it, I
23 should have left. But I really don't know why I stood
24 there.

25 Q Were you fond of Michael Jackson at the time?

26 A Well, yeah. Before that stuff happened I
27 thought he was like the coolest person in the world.

28 Q Did you have what you thought to be a close

1 STAR DAVID ARVIZO,
2 having been duly sworn, testified in the Grand Jury
3 proceedings as follows:
4

5 EXAMINATION

6 BY MR. SNEDDON:

7 Q All right. Star, this is why we have this
8 microphone, okay.

9 A Okay.

10 Q Talk into it. I didn't say cough into it.
11 Hi, Star. What's your date of birth?

12 A [REDACTED]

13 Q Okay. And you've got brothers and sisters?

14 A Two. A brother and a sister.

15 Q Brother's name?

16 A Gavin, G-a-v-i-n. And Davellin,
17 D-a-v-e-l-l-i-n.

18 Q Okay. Keep that voice up, okay. Everybody
19 wants to hear you back here.

20 Now, Davellin is an older sister?

21 A Yes.

22 Q And how about Gavin?

23 A He's an older brother.

24 Q So you're the youngest in the family?

25 A Second youngest, because I got a little brother
26 on the way.

27 Q Well, yeah. We haven't disclosed that yet.
28 And your mother's name?

1 Q S'mores?

2 A S'mores.

3 Q That's -- what's a s'more?

4 A Hershey chocolate, marshmallow, and two graham
5 crackers.

6 Q Don't you usually need some source of fire to
7 do that?

8 A Yeah. There's a gas fireplace in Michael's
9 bedroom.

10 Q So you tried to make s'mores on the gas
11 fireplace?

12 A Yes.

13 Q Did it work out?

14 A No. We just -- well, there's no Hershey's in
15 the kitchen, so we called the security guard to bring
16 some Hershey's, and we were going to make them, but then
17 Michael went up to his bedroom. And we said, "Oh,
18 forget it," and we just set them down, went up to
19 Michael's bedroom.

20 Q What happened when you got to the bedroom?

21 A Frank had the laptop that Gavin had. And it
22 was, like it was before the -- Frank did something on
23 the computer, Frank Tyson. And he did something on the
24 computer where we got internet access. And -- and --
25 and I think it was, forgot who, but somebody brought up
26 the subject to go on --

27 Q You're going to have to talk up now, come on.
28 I know it's not something you want to say, but you're

1 going to have to say it. Whose idea was it to --

2 A It was sort of like Michael's and Frank's idea
3 to go on pornography sites.

4 Q And who gave the pornography -- who said where
5 to go on the computer?

6 A It was Michael. He was saying you just have to
7 make up a word and they'll have it on there. And -- and
8 there was one site where there was a female, she had her
9 shirt up, and Michael said, "Got milk." And Prince and
10 Paris were already asleep in the bed, and Michael leaned
11 over to Prince and said, "Prince, you're missing some
12 p-u-s-s-y," to Prince while he was sleeping.

13 Q Did he spell it or did he say it?

14 A He said it.

15 Q Now, when he told Frank to go on the internet,
16 did he give them some internet addresses to go into?

17 A Yes.

18 Q What did he tell them? What did Mr. Jackson
19 tell him?

20 A What do you mean?

21 Q What did he tell Frank Tyson what internet
22 addresses to go to?

23 A Just make up a word.

24 Q A word like what?

25 A Just like any word. Like any word. Like any
26 word.

27 Q What word did you use?

28 A I don't remember. He said, like, I don't

1 remember what exact word that he said.

2 Q Okay. So how long -- how many different sites
3 did you go to when you were watching?

4 A Couple sites.

5 Q How many is a couple?

6 A About five or something.

7 Q And were all the sites the same?

8 A Yes.

9 Q What did they show?

10 A Nude girls.

11 Q All of them?

12 A Yes.

13 Q What did you guys do after you stopped watching
14 the nude stuff on the internet?

15 A We -- Frank and Michael set up the bed.
16 Like Michael -- Michael set up like a sleeping bag for
17 himself at the foot of the bed, on the bottom. And
18 Frank set up a sleeping bag to the right of the bed on
19 the floor.

20 Q All right. Who was on the bed?

21 A Me and my brother.

22 Q Where was Paris and Prince?

23 A There too. There also.

24 Q On the bed?

25 A Yes.

26 Q Anything else happen that night before you went
27 to sleep?

28 A No.

1 A Yes.

2 Q What was it?

3 A It was -- it was -- he had a hard on.

4 Q Did he say anything else to you after he said
5 it was natural?

6 A No.

7 Q When did that incident occur, before or after
8 you had gone to get the passports and the visas?

9 A After.

10 Q Now, after Mr. Jackson had displayed himself to
11 you during the movie, you said he picked up something,
12 and where did he go?

13 A Went back downstairs.

14 Q Did he come back up eventually upstairs?

15 A Yes.

16 Q How was he dressed, if he was?

17 A He was dressed in pajamas.

18 Q Did you, Star, ever have any conversations with
19 Mr. Jackson involving masturbation?

20 A Yes.

21 Q How many conversations did you have with him
22 about masturbation?

23 A Once.

24 Q I couldn't hear you.

25 A One.

26 Q All right. Would you describe that
27 conversation to the ladies and gentlemen of the Grand
28 Jury?

1 A I don't remember how the situation came up, but
2 he's saying that it was natural and it's okay to do it,
3 and everyone does it. That's what he said.

4 Q Did he ask you whether you did it?

5 A Yes.

6 Q What did you tell him?

7 A No.

8 Q Now, was there -- the conversation that you
9 said you've had with Mr. Jackson about the subject
10 matter of masturbation, did that occur before or after
11 the visits to get the passports and the visas?

12 A I think it was -- I don't remember. Probably
13 before.

14 Q Not sure?

15 A No. I'm not sure when it was.

16 Q Okay. You said probably something?

17 A I said I'm not sure. I don't know when it was.
18 Before or after, I don't know.

19 Q Now, was there another incident involving when
20 you were on the bed and Michael Jackson came to bed?

21 A Oh, yes. It was late at night. And I don't
22 know the time, but it was really late. Then Michael
23 walked up the stairs and he had his underwears on. My
24 brother was laying -- I was laying at the edge and my
25 brother was laying in the middle. Michael scooted into
26 the bed and kept on rubbing against my brother.

27 And at first when he walked in, it was really
28 early in the morning. Really, really early. And I