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17 Attorneys for Defendant  
18 MICHAEL JOSEPH JACKSON

FILED  
SUPERIOR COURT of CALIFORNIA  
COUNTY of SANTA BARBARA

MAR 14 2005

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

REDACTED PURSUANT TO  
CRC 2073

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

15 THE PEOPLE OF THE STATE OF  
16 CALIFORNIA,

17 Plaintiffs,

18 vs.

19 MICHAEL JOSEPH JACKSON,

20 Defendant.

) Case No. 1133603

) NOTICE OF MOTION AND MOTION RE  
) ADMISSIBILITY OF EVIDENCE  
) RELATED TO GEORGE LOPEZ  
) (EVIDENCE CODE § 402);  
) DECLARATION OF ROBERT M.  
) SANGER

) Honorable Rodney S. Mcville  
) Date: March 17, 2005  
) Time: 8:30 am  
) Dept: SM 8

21  
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23  
24 TO THE CLERK OF THE ABOVE-ENTITLED COURT AND TO THE DISTRICT  
25 ATTORNEY OF THE COUNTY OF SANTA BARBARA, TOM SNEDDON, AND DEPUTY  
26 DISTRICT ATTORNEYS GERALD FRANKLIN, RON ZONEN AND GORDON  
27 AUCHINCLOSS:  
28

NOTICE OF MOTION AND MOTION RE ADMISSIBILITY OF EVIDENCE RELATED TO GEORGE LOPEZ

1 Please take notice that the Defendant does hereby move and will further move on March 17,  
2 2005, at 8:30 a.m., or as soon thereafter as counsel may be heard in Department 8 of the above  
3 entitled court, for an order allowing the introduction of evidence regarding the Arvizo family's  
4 interactions with George Lopez, and for such other and further relief as the Court may deem just and  
5 proper. The motion is based on Mr. Jackson's rights to a fair trial, due process of law, the right to  
6 confront and cross-examine witnesses against him, and equal protection pursuant to the Fifth, Sixth,  
7 and Fourteenth Amendments to the United States Constitution and Article 1, Sections 7, 15 and 24  
8 of the California Constitution.

9 This motion is based on this Notice of Motion, and the Memorandum of Points and  
10 Authorities attached hereto, the papers, records and files in this case and such other matters as may  
11 be received by the Court at or after the hearing scheduled on this motion.

12 Dated: March 14, 2005

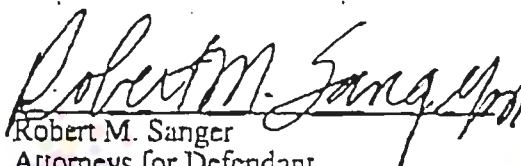
13 Respectfully submitted,

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

16 SANGER & SWYSEN  
17 Robert M. Sanger

18 OXMAN & JAROSCAK  
19 Brian Oxman

20 By:

21   
22 Robert M. Sanger  
23 Attorneys for Defendant  
24 MICHAEL JOSEPH JACKSON  
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DECLARATION OF ROBERT M. SANGER

I, Robert M. Sanger, declare:

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 Sanger & Swysen, and co-counsel for Michael Jackson.

2. George Lopez is a witness to the modus operandi of the Arvizo family. The Arvizos used Gavin Arvizo's illness to gain access to, and take advantage of, people for the purpose of getting money. The Arvizos have fraudulently solicited funds from wealthy and/or famous people. Gavin and his parents made a practice of going "over the top" to ingratiate themselves to such people, to smother them with excessive compliments and to try to get financial gain.

3. A second stage of the Arvizo modus operandi is to accuse a benefactor of criminal activity when the benefits end. Here, when the Lopezes didn't come through, Gavin and David accused Mr. Lopez of stealing money from Gavin's wallet. While Gavin was perhaps a reluctant participant, he was a participant. This is consistent with Davellin's statements to Carol Lamerc that the Arvizo parents taught the children how to steal.

4. According to a Sheriff's report, dated January 10, 2005, law enforcement interviewed Louise Palanker on January 26, 2005 regarding her knowledge of the Arvizo family. A true and correct copy of the report is attached as Exhibit A. Ms. Palanker provided the officers with information involving an incident in which Gavin and David Arvizo attempted to fraudulently obtain money from Mr. Lopez. She was told about this incident by Jamie Masada. This incident occurred after Gavin left his wallet at the Lopez's home. Gavin later called Mr. and Mrs. Lopez, seeking the return of his wallet. He claimed that that it had contained several hundred dollars. The Lopezes located the wallet and determined that it actually contained a few dollars. This attempted scam led to the falling out between Mr. Lopez and the Arvizos.

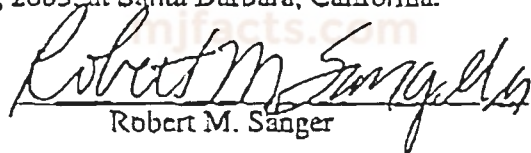
5. According to a Sheriff's report dated February 2, 2005, Jamie Masada was interviewed regarding the wallet scam on January 4, 2005. A true and correct copy of that report is attached as Exhibit B. Mr. Masada stated that he gave David Arvizo the amount of money that was supposedly missing from the wallet. Mr. Masada has gone on television repeatedly supporting

1 the Arvizos. When interviewed, he was not forthcoming and had to be prompted. He did not  
2 recall Gavin's involvement, but did not say it did not happen.

3 6. At least several other witnesses will testify regarding the Arvizo family's pattern and  
4 practice of coaching the children to lie for financial gain. Dr. John Hochman, the psychiatrist  
5 who examined the Arvizos during the J.C. Penney case, will testify that Janet Arvizo coached her  
6 children to lie. Mary Holtzer will testify that Janet Arvizo admitted to her that she coached her  
7 children to lie during the J.C. Penney case. Anthony Ranieri, one of the Arvizo family's lawyers  
8 on the J.C. Penney case, will testify that he was shocked to hear Janet Arvizo make outlandish  
9 claims regarding sexual abuse, for the first time, during a deposition. Plus, plain common sense  
10 dictates that the Arvizo family's escalating claims of sexual abuse in that case were fraudulent.

11 7. We have a good faith belief that Gavin Arvizo was involved in the wallet incident. It is  
12 consistent with the Arvizo family's behavior. It is consistent with Louise Palanker's recollection  
13 of what Jamie Masada said at the time. It was Gavin's wallet. Furthermore, the District Attorney  
14 has now put forth his version of the breach with the Lopezcs. Therefore, it is unreasonable not to  
15 allow cross-examination on that same subject.

16 I declare under the penalty of perjury under the laws of the State of California that the  
17 foregoing is true and correct this 14<sup>th</sup> day of March, 2005, at Santa Barbara, California.

18   
19 Robert M. Sanger  
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1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I.

3 EVIDENCE OF THE ARVIZO FAMILY'S INTERACTIONS WITH GEORGE LOPEZ  
4 IS RELEVANT

5 George Lopez is a witness to the modus operandi of the Arvizo family. The Arvizos used  
6 Gavin Arvizo's illness to gain access to, and take advantage of, people for the purpose of getting  
7 money. The Arvizos have fraudulently solicited funds from wealthy and/or famous people.  
8 Gavin and his parents made a practice of going "over the top" to ingratiate themselves to such  
9 people, to smother them with excessive compliments and to try to get financial gain.

10 According to a Sheriff's report, dated January 10, 2005, law enforcement interviewed  
11 Louise Palanker on January 26, 2005 regarding her knowledge of the Arvizo family. Ms.  
12 Palanker provided the officers with information involving an incident in which Gavin and David  
13 Arvizo attempted to fraudulently obtain money from Mr. Lopez. She was told about this incident  
14 by Jamie Masada. This incident occurred after Gavin left his wallet at the Lopez's home. Gavin  
15 later called Mr. and Mrs. Lopez, seeking the return of his wallet. He claimed that that it had  
16 contained several hundred dollars. The Lopezes located the wallet and determined that it actually  
17 contained a few dollars. This attempted scam led to the falling out between Mr. Lopez and the  
18 Arvizos. (Declaration of Robert M. Sanger.)

19 A second stage of the Arvizo modus operandi is to accuse a benefactor of criminal  
20 activity when the benefits end. Here, when the Lopezes didn't come through, Gavin and David  
21 accused Mr. Lopez of stealing money from Gavin's wallet. While Gavin was perhaps a reluctant  
22 participant, he was a participant. This is consistent with Davellin's statements to Carol Lamere  
23 that the Arvizo parents taught the children how to steal. (Declaration of Robert M. Sanger.)

24 According to a Sheriff's report dated February 2, 2005, Jamie Masada was interviewed  
25 regarding the wallet scam on January 4, 2005. Mr. Masada stated that he gave David Arvizo the  
26 amount of money that was supposedly missing from the wallet. (Declaration of Robert M.  
27 Sanger.)

1 This evidence is relevant because it demonstrates the Arvizo family's modus operandi of  
2 ingratiating themselves to celebrities in an attempt to obtain money. Furthermore, as argued  
3 below, the Arvizo children have testified, on direct examination, regarding their relationship with  
4 Mr. Lopez. Their account of that relationship, and the way it ended, is will be contradicted  
5 testimony of Louise Palanker, Jamie Masada, and George Lopez.

6 II.

7 EVIDENCE REGARDING THE ARVIZO FAMILY'S INTERACTIONS WITH  
8 GEORGE LOPEZ IS ADMISSIBLE BECAUSE THE ARVIZO CHILDREN MADE  
9 STATEMENTS REGARDING MR. LOPEZ ON DIRECT EXAMINATION

10 All three of the Arvizo children have testified regarding their relationship with George  
11 Lopez on direct examination. (RT 590; 1337; 1486.) Gavin Arvizo was even allowed to offer a  
12 self-serving explanation of why Mr. Lopez parted ways with the Arvizo family. Gavin Arvizo  
13 stated that he "heard" the relationship ended due to a confrontation between Gavin Arvizo's  
14 father and Mr. Lopez. (RT 1486:12-1487:10.)

15 Questions regarding the Arvizo family's relationship with Mr. Lopez are fair game  
16 because they are within the scope of that the Arvizo family testified to on direct examination.

17 III.

18 MR. JACKSON HAS A RIGHT TO CONFRONT AND CROSS-EXAMINE THE  
19 WITNESSES AGAINST HIM

20 A defendant has the constitutional right to present a defense at trial under the Fifth, Sixth  
21 and Fourteenth Amendments to the United States Constitution. (*Crane v. Kentucky* (1986) 476  
22 U.S. 683, 690.) That right is violated when the defendant is denied the right to effectively  
23 confront and cross-examine the witnesses testifying against him, or when he is denied the ability  
24 to present all significant and probative evidence in his own defense. (*Chambers v. Mississippi*  
25 (1973) 410 U.S. 284, 294-295.)

IV.

CONCLUSION

Therefore, based on the reasons set forth above, the court should order that evidence regarding the Arvizo family's interactions with George Lopez is admissible.


Dated: March 14, 2005

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

SANGER & SWYSEN  
Robert M. Sanger

OXMAN & JAROSCAK  
Brian Oxman

By:

  
Robert M. Sanger  
Attorneys for Defendant  
MICHAEL JOSEPH JACKSON





PAGE 2	SHERIFF'S DEPARTMENT		Case Number 03-5670
	Santa Barbara County		
	CONTINUATION SHEET		
(A) LIST CONTINUATION. (B) DESCRIBE PHYSICAL EVIDENCE, LOCATION FOUND & DISPOSITION. (C) NARRATIVE (D) DISPOSITION.			

A LIST CONTINUATION:

Relationships of named individuals:

1. Louise Palanker is a businesswoman and comedian.
2. Joseph "Fritz" Coleman is the weather anchor at NBC4 news, out of Los Angeles.
3. Jamie Masada is the owner of the Laugh Factory in Los Angeles.

B. PHYSICAL EVIDENCE:

I audio recorded my interview with Louise Palanker, using an Olympus digital recorder. I subsequently downloaded the original digital audio files (Olympus .dss format) and converted the files to a universal digital audio format (.wav). I burned both the original and converted audio files onto a CD-R computer media disk. I also made discovery copies and a working copy of the original CD-R disk. I booked the original CD-R disk into evidence as item number 1790, under tag number 122980.

On 1-19-2005, Louise Palanker provided me with photocopies of checks she wrote to David and Janet Arvizo. Palanker also provided me with a printed email sent to her by her attorney, Michael Dave. Finally, Palanker provided me with four greeting cards she was given by members of the Arvizo family. I scanned the documents and cards (for discovery purposes), then booked the originals into evidence as item number 1796, under tag number 122980.

C. NARRATIVE:

On 01-07-2005, Detective Paul Zelis and I met with and interviewed Louise Palanker at a location Palanker was working at in Studio City. During this investigation, Palanker was identified as a person involved in fundraising efforts on behalf of the Arvizo family. During our interview, Palanker detailed how she first met the Arvizo family, provided Christmas gifts to the Arvizo family, participated in fund raising efforts on behalf of the Arvizo family and provided the Arvizo family with personal gifts of money.

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025892

PAGE 3	SHERIFF'S DEPARTMENT	Case Number 03-5670
	Santa Barbara County	
	CONTINUATION SHEET	
(A) LIST CONTINUATION. (B) DESCRIBE PHYSICAL EVIDENCE, LOCATION FOUND & DISPOSITION. (C) NARRATIVE (D) DISPOSITION.		

Palanker met the Arvizo children during a Laugh Factory sponsored comedy camp in 1998 or 1999 (actually probably 2000). Palanker volunteered her time as an instructor at the comedy camp. The Arvizo children (all three) were participants at the comedy camp. Palanker also met Janet Arvizo during this time frame.

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The Christmas following the comedy camp (2000), Palanker and her friend Fritz Coleman decided to help out a needy family by providing Christmas gifts. Coleman and Palanker chose to help out the Arvizo family. Palanker stated the Arvizo children stuck out in her memory as being extraordinary children. In this endeavor, Coleman and Palanker purchased several gifts for the Arvizo family, including a microwave and a play station and took them to the Arvizo's then residence, in East Los Angeles.

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Palanker learned of Gavin becoming ill when she received a telephone call from Janet Arvizo. Upon learning of the victim's illness, Palanker went to Kaiser Hospital and visited with the victim and his family. While visiting with the Arvizo family, Palanker offered David Arvizo a check for \$10,000. Palanker was not asked for the monies, rather it was her idea to offer the monies. Palanker wanted to gift this money to David Arvizo, so David Arvizo could remain with Gavin and not worry about missing work. Palanker understood that David worked at a grocery store and would not be paid if he did not work. Palanker hoped the monetary gift would allow David to be with the victim at the hospital. Palanker provided David Arvizo with a single check, which was made out directly to David Arvizo.

Shortly after Palanker gave David Arvizo the first \$10,000 gift, David Arvizo asked Palanker to give them another \$10,000 gift. At this point, Palanker became somewhat suspicious, due to the lack of time (three weeks) between the first check and the request for additional monies. In spite of these apprehensions, Palanker decided to gift an additional \$10,000 to the Arvizo family. Due to tax laws, Palanker could not write the second check to David Arvizo. Because of this, Palanker wrote the second check to Janet Arvizo. Even after receiving the second check, David Arvizo continued to ask Palanker for additional money. At the time, David

025893

PAGE 4	SHERIFF'S DEPARTMENT		Case Number 03-5670
	Santa Barbara County		
	CONTINUATION SHEET		
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Arvizo told Palanker that his wife was spending all the monies given to them previously. Palanker denied these additional requests, informing David that additional monetary gifts would result in taxation. Additionally, Palanker became increasingly suspicious of the requests for money made by David Arvizo.

Later, when providing copies of the two checks to defense investigators, Palanker observed two signatures to be present on the backs of both checks. One of the endorsement signatures on the check written to David Arvizo was that of David Arvizo. The defense investigator indicated he recognized the second signature on this check as being that Janet Arvizo's mother. Janet Arvizo signed the back of the second check, which was written to her (for tax purposes, as detailed above). The investigator seemed to recognize the second signature on this check, but did not indicate who it was.

Palanker also arranged to have a contractor assist the Arvizo family in creating a germ free room for the victim. Palanker learned the Arvizo's never paid the contractor the eight hundred dollar bill for the construction work. Palanker did not understand this, as she had given the family twenty thousand dollars in total. Palanker also learned the Arvizo's purchased a large flat screen television and DVD player for the victim. Palanker thought this was not consistent with what a child of his age needed.

I specifically asked Palanker if Janet Arvizo ever personally approached Palanker and asked for monies. Palanker stated Janet never asked Palanker for money. Palanker detailed that David Arvizo and/ or the children were always the ones who asked for the money. Palanker felt when the children asked for money, they were being "coached" to do so by David Arvizo. I asked Palanker what she meant by "coached." Palanker detailed an instance wherein shortly after she gave David Arvizo ten thousand dollars, she was approached by the victim and David Arvizo. With David present, the victim asked Palanker if she would buy him a laptop computer. Palanker stated she would have expected David to intervene and direct the victim to not ask Palanker for this gift (because she just gave the family the large monetary gift). Based on the totality of the situation, Palanker felt David Arvizo directed the victim to ask for the computer.



PAGE 5	SHERIFF'S DEPARTMENT		Case Number 03-5670
	Santa Barbara County		
	CONTINUATION SHEET		
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Palanker shared an additional instance wherein David Arvizo attempted to obtain additional funds from Palanker. Subsequent to both ten thousand dollar checks, David Arvizo approached Palanker and asked her to give him additional monies. David told Palanker that he spoke with Jamie Masada and Masada claimed the Laugh Factory charitable committee would reimburse Palanker for the monies she previously gifted to the Arvizo family. Because of this, David wanted Palanker to give him additional money. Palanker told David Arvizo she did not believe this was the case. Later, Palanker spoke with Jamie Masada and Masada freaked out upon hearing of this and accused David Arvizo of lying. David Arvizo in turn, accused Jamie Masada of lying.

I told Palanker about David Arvizo's statement to JACKSON's defense investigators wherein David claimed Palanker told Janet Arvizo, "If you need more, let me know." Palanker said this was not a true statement.

Palanker was present at the Laugh Factory during the benefits for the Arvizo family. Palanker recalled the Arvizo children being present and collecting monies at the door. Palanker also thought there was an occasion in which Jamie Masada handed David Arvizo the door monies from the Laugh Factory. Palanker recalled that Jamie Masada kept the bar generated monies and David Arvizo kept the entry fees (door). Palanker stated Janet Arvizo was seldom present at the Laugh Factory during the benefits.

Palanker went on to state she thought something was amiss, as during the comedy camp, David Arvizo was never at the Laugh Factory. On the other hand, Janet was never present at the Laugh Factory during the fund raising activities on behalf of the victim.

Palanker recalled that George Lopez was a participant in one of the Laugh Factory benefits for the Arvizo family. Palanker learned that George Lopez and his wife, Ana Lopez, became "soured" on the Arvizo family. Palanker learned of a telephone message left by Ana Lopez in which she stated the Lopez's felt the Arvizo's were taking advantage of their child and the Lopez's did not want anything to do with them anymore. Palanker spoke with David Arvizo about this.

025895



PAGE 6	SHERIFF'S DEPARTMENT	Case Number 03-5670
	Santa Barbara County	
	CONTINUATION SHEET	
(A) LIST CONTINUATION. (B) DESCRIBE: PHYSICAL EVIDENCE, LOCATION FOUND & DISPOSITION. (C) NARRATIVE (D) DISPOSITION.		

David Arvizo made a statement indicating that because George Lopez was not going to host the next benefit, David no longer felt the Laugh Factory was a good "showcase" for his children. In response, Palanker told David this was not about showcasing his children, but a benefit for the victim. During the ensuing discussion, David Arvizo made a statement to the effect that he would approach George Lopez to participate in one more benefit. Palanker told David to leave the Lopez's alone and not to approach them about another benefit.

Palanker later learned David Arvizo did not heed Palanker's advice and went to a remote location where Lopez was broadcasting a radio show. One thing led to another and this resulted in George Lopez yelling at David Arvizo. Lopez accused David of using their children inappropriately.

Palanker related an incident she learned of, which was likely part of (if not entirely) the reason George and Ana Lopez no longer trusted David Arvizo and the Arvizo family. Palanker learned of this information through discussions with Jamie Masada. Apparently the victim left his wallet at the Lopez's residence. The Lopez's subsequently received a telephone call from the victim wherein the victim told them of his leaving the wallet and claimed the wallet contained several hundred dollars. The Lopez's found the victim's wallet and discovered it to only contain a few dollars.

When Jamie Masada learned of the wallet situation, Masada confronted David Arvizo and asked why David told his child to lie to the Lopez family. This confrontation occurred after the second benefit at the Laugh Factory ended. In response to being confronted, David Arvizo threw the monies collected during the evening and made a statement to the effect that he did not want their money. David then yelled at the victim, asking him to tell Masada how much money was in the wallet. In response to the question, the victim would not state an amount, only claiming he did not know how much money was in the wallet. Palanker thought this to be admirable, as the victim did not want to lie and it was likely the victim would later be beaten by David Arvizo for not backing David's story. Palanker described the victim's character as being "amazing." This event was witnessed by Masada, Palanker and possibly a couple additional Laugh Factory comics.

PAGE 7	SHERIFF'S DEPARTMENT		Case Number 03-5670
	Santa Barbara County		
	CONTINUATION SHEET		
(A) LIST CONTINUATION. (B) DESCRIBE: PHYSICAL EVIDENCE, LOCATION FOUND & DISPOSITION. (C) NARRATIVE (D) DISPOSITION.			

I asked Palanker if it was the victim, or David Arvizo that actually placed the call to George Lopez and claimed the wallet had several hundred dollars in it. Palanker did not know, as she learned of this call through her conversations with Jamie Masada. Palanker stated she understood, or felt it was a situation wherein David Arvizo made the victim call the Lopez family. Palanker was not certain how Masada learned of the wallet incident, but surmised it was through a conversation between Masada and the Lopez family.

In speaking with a private investigator employed by Michael JACKSON, Palanker learned David Arvizo was now blaming Janet Arvizo for directing the money collecting activities of the Arvizo Family. According to the private investigator, David Arvizo claimed Janet Arvizo "always put him up to it." It is David Arvizo's assertion that he went along with Janet's direction, as he was "afraid of her."

I asked Palanker about David Arvizo's assertion (as documented in Scott Ross' report) that Janet Arvizo repeatedly approached Fritz Coleman to play and replay the information about the charity benefits for the Arvizo family. Palanker thought this was possible, but stated I should contact Fritz Coleman to answer the question. Palanker went on to state the children also contacted Jay Leno about promoting the benefits. Palanker was not sure if the children did this on their own volition or if this was a case wherein David Arvizo directed them to call Leno. Palanker knew this as she received a call from Leno asking Palanker what he should do with the family, as he was receiving numerous calls and messages from them. Palanker in turn contacted David Arvizo and told him to leave Leno alone.

Palanker characterized this as being a repeat problem. Palanker thought David Arvizo and his family were "over the top" in their dealings with celebrities. Palanker explained this by detailing that anytime the Arvizo's came into contact with a celebrity, they sent numerous cards and made repeated telephone calls. Palanker did not know who was putting the children up to this activity. Upon later reflection, Palanker thought it possible Janet and the children saw the celebrities as a lifeline, or a means by which they could extricate themselves from the abuse of David Arvizo.

025837

PAGE 8	SHERIFF'S DEPARTMENT		Case Number 03-5670
	Santa Barbara County		
	CONTINUATION SHEET		
(A) LIST CONTINUATION. (B) DESCRIBE PHYSICAL EVIDENCE, LOCATION FOUND & DISPOSITION. (C) NARRATIVE. (D) DISPOSITION.			

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With regard to David Arvizo, Palanker recalled feeling uncomfortable around him. Palanker stated David made comments in front of Palanker, which Palanker did not feel were appropriate. Palanker stated on occasion she was left in the company of David Arvizo. Palanker recalled a specific instance wherein Jamie Masada took the victim into a movie studio and left Palanker and David Arvizo to remain in the vehicle. Palanker detailed how David would talk of sexual matters, including his preference for smaller breasted women. Palanker also seemed to recall David talking about the victim starting to experience erections. Palanker did not feel these sexual oriented topics were appropriate and that David Arvizo was hitting on Palanker. Even Janet Arvizo made statements to Palanker, indicating Janet thought David was more interested in Palanker than he was in Janet.

As we spoke about the money matters involving the Arvizo family, Palanker offered information about an "alarming" telephone call she received from Janet Arvizo. Palanker recalled that approximately one month after the airing of the Bashir documentary (early February 2003), Palanker received a telephone call from Janet Arvizo. Palanker received this telephone call on her home telephone.

During this telephone call Janet Arvizo sounded paranoid, indicating she felt she and her children were in danger. Janet told Palanker that Michael JACKSON's people were controlling and restricting the activities of Janet and her kids. Janet made statements indicating JACKSON's people were attempting to take the Arvizo Family out of the country and would possibly make them "disappear." The impression Palanker formulated from the conversation is that Michael JACKSON's people were going to kill Janet and her children.

Janet Arvizo told Palanker the telephone line she was speaking on was not "safe". Palanker understood this to mean someone may be listening to, or recording conversations on the line. Janet Arvizo further told Palanker there was not a phone at which Palanker could contact Janet, without JACKSON's people being able to monitor the conversation.

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PAGE 9	SH. RIFF'S DEPARTMEN		Case Number 03-5670
	Santa Barbara County		
	CONTINUATION SHEET		
(A) LIST CONTINUATION. (B) DESCRIBE PHYSICAL EVIDENCE, LOCATION FOUND & DISPOSITION. (C) NARRATIVE (D) DISPOSITION.			

Palanker thought the content of the conversation seemed to indicate Janet Arvizo and her children were in the Los Angeles area at the time. Janet asked Palanker to pick them up at a Vons store (now a Gelsons), located at the intersection of Van Nuys Boulevard and Ventura Boulevard in Sherman Oaks. Janet wanted Palanker to allow Janet and the children to stay at Palanker's residence. At the time she received this call, Palanker did not know the full circumstances of the situation and thought this was possibly a case of JACKSON's people doing public relations damage control, seeking to lessen the impact of the Bashir interview wherein JACKSON claimed he slept with boys.

At the time, Palanker did not know how to respond (and was unaware of what is now alleged occurred). Palanker was taken aback by the whole situation, keeping in mind what Janet just told her, the Bashir film being aired and what Palanker knew of David Arvizo. Palanker feared people would follow Janet Arvizo to Palanker's residence. Palanker told Janet she was unable to grant this request. Palanker told Janet to call her the following day, but Janet never did.

Because the call was so alarming, Palanker subsequently contacted her then attorney, Michael Dave (Marcus, Watanabe, Snyder & Dave, LLP). Palanker told Dave about the telephone call and asked his advice on how to handle the situation. Dave told Palanker she could go meet with Janet Arvizo, but if Janet Arvizo could call Palanker, she could also call law enforcement. Palanker thought Michael Dave would likely have some form of record of their conversation. It may also be possible Palanker's telephone bill may contain information about her call to Dave.

This was the last occasion in which Palanker spoke with Janet Arvizo until after Palanker learned the victim was the person whom the current JACKSON molestation charges resulted from. At that point, Palanker left a message at Janet Arvizo's parents' house, which reopened the lines of communication between Palanker and the Arvizo's.

Palanker went on to tell me she did not offer this information to the defense investigator she spoke with. Palanker stated the investigator did not ask her about any such conversation and Palanker did not wish to volunteer the information to them.

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PAGE 10	SH RIFF'S DEPARTMENT	Case Number 03-5670
	Santa Barbara County	
	CONTINUATION SHEET	
<small>(A) LIST CONTINUATION. (B) DESCRIBE: PHYSICAL EVIDENCE, LOCATION FOUND &amp; DISPOSITION. (C) NARRATIVE. (D) DISPOSITION.</small>		

I told Sergeant Robel about this telephone call and asked him to talk with Janet Arvizo to determine where Janet was at the time she placed the call. On 1-11-2005, Sergeant Robel informed me that he spoke with Janet Arvizo about the call. Janet stated she could not recall the exact location from where she placed the call, but she made the call during the time frame in which she was being kept in the Calabasas area by Frank Tyson and Vincent Amen. NOTE: This would be late Feb. 2003.

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Palanker told me the Arvizo children shared many details with her about their relationship with David Arvizo. The boys told Palanker about David losing his temper and abusing them. Davellin wrote poems (which she showed to Palanker) detailing how David Arvizo molested her. The children told of how David would come home, learn Janet purchased the children school clothes, become enraged and throw the clothing out the window.

Palanker stated she felt it was possible Janet Arvizo was bipolar, or had some other mental illness. Palanker went on to state the behavior of the children and the family was "over the top." Palanker stated one would not receive a single telephone call or letter. Rather the family would call five times, or send five letters. Palanker said a voice message from Janet could last five minutes.

Subsequent to the court order restraining David Arvizo from contacting Janet and the children, David contacted Palanker. David told Palanker all the allegations of abuse made by Janet and the children were actually reverse from the truth. David claimed it was actually Janet Arvizo who was violent and abused the children. David made statements to Palanker, indicating there were points when David was allowed to be at Janet's parent's house, but Janet was not allowed to be there. Palanker stated there were many odd things about the Arvizo family. Palanker stated that based on her contacts with and knowledge of the Arvizo family, she would be surprised if David was not the one who abused the children.

025900

PAGE 11	SHERIFF'S DEPARTMENT		Case Number 03-5670
	Santa Barbara County		
	CONTINUATION SHEET		
(A) LIST CONTINUATION. (B) DESCRIBE: PHYSICAL EVIDENCE, LOCATION FOUND & DISPOSITION. (C) NARRATIVE (D) DISPOSITION.			

Palanker stated she would attempt to obtain copies of the checks she provided to David Arvizo. Palanker also stated she would attempt to obtain her February/ March 2003 telephone records, which may detail her telephone call to Michael Dave, discussing the telephone call she received from Janet Arvizo. During a brief conversation about these items on 1-11-2005, Palanker stated a young comic named Kenny Johnson may be able to provide information about David Arvizo battering Janet Arvizo and this being the reason Janet Arvizo did not attend the benefit engagements at the Laugh Factory.

For a verbatim account, refer to the recording of this interview.

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On 1-19-2005, I met with Louise Palanker at her residence and picked up copies of the checks she provided to David Arvizo. The checks were dated 6/15/2000 (check number 114) and 7/10/2000 (check number 10893). Both checks were written in the amount of ten thousand dollars. Check number 114 was made out to Janet Arvizo. The back of the check indicated it was endorsed by Janet Arvizo and co-signed by Maria Ventura. Check number 10893 was made out to David Arvizo. The back of this check was signed by David Arvizo and co-signed by Maria Ventura.

During the interview on 1-7-2005, Palanker recalled she wrote the first check to David Arvizo and the second to Janet Arvizo. I noted this was not consistent with the information on the copies of the checks Palanker provided to me. Palanker indicated she probably mixed up who she wrote the check to because she actually gave the check to David. Palanker also thought she asked David Arvizo who he wanted her to make the check out to and he told her to write it to Janet. Palanker went on to state Janet Arvizo was rarely at the hospital and this is why she would have given the check to David.

Palanker stated she located a number of greetings cards given to her by members of the Arvizo Family. Palanker provided me with four greetings cards, which she received from members of the Arvizo family. None of the greetings cards were dated, however one of the cards had a note written on it, which appeared to be an appointment. The date of the appointment was August 6 (unknown year). I had Palanker review this note and she confirmed it was a

025901

PAGE 12	SH. RIFF'S DEPARTMENT	Case Number 03-5670
	Santa Barbara County	
	CONTINUATION SHEET	
(A) LIST CONTINUATION. (B) DESCRIBE: PHYSICAL EVIDENCE, LOCATION FOUND & DISPOSITION. (C) NARRATIVE. (D) DISPOSITION.		

note she personally wrote on the card and it pertained to a business meeting she was to attend and had nothing to do with the Arvizo family, or matters otherwise related to this investigation. None of the notes written by the members of the Arvizo family discussed, or were otherwise related to monetary issues. Palanker stated she was unable to locate the poems which Davellin Arvizo gave to her.

This meeting with Palanker was not recorded, as the intended purpose was to pick up paperwork.

D. CASE DISPOSITION:

Attn: Records. Investigation continuing.



RECLASSIFICATION		SHERIFF'S DEPARTMENT SANTA BARBARA COUNTY				2. CASE NUMBER 03-5670	
CLASSIFICATION		<input checked="" type="checkbox"/> FOLLOW-UP		<input type="checkbox"/> CLEARANCE		<input type="checkbox"/> COMPLAINT	
(a) PC Lowd Acts Against a Under 14 Years of Age							
DAY / DATE RPT / TIME		1. FOLLOW UP TO:		OTHER		DATE / TIME THIS RPT / TIME	
Day, 06-13-03, 1520 hrs		<input checked="" type="checkbox"/> OFFENSE		<input type="checkbox"/> ARREST		<input type="checkbox"/> INCIDENT	
TUESDAY, 01-04-2005, 1448 hrs							
JUGEND (LAST, FIRST, MI)		SEX		RAC		AGE/D.O.B.	
CONFIDENTIAL							
BUSINESS ADDRESS OR SCHOOL		BUS PHONE		WORK HOURS		HOME PHONE	
RIP <input type="checkbox"/> WIT <input checked="" type="checkbox"/> CO-VIC <input type="checkbox"/> PARENT <input type="checkbox"/> OTHER <input type="checkbox"/>		CM		SEX		RAC	
ST, FIRST, MIDDLE CIRCLE INVOLVEMENT							
ASADA, Jaime		Y		M		B	
RIP <input type="checkbox"/> WIT <input type="checkbox"/> CO-VIC <input type="checkbox"/> PARENT <input type="checkbox"/> OTHER <input type="checkbox"/>		CM		SEX		RAC	
RIP <input type="checkbox"/> WIT <input type="checkbox"/> CO-VIC <input type="checkbox"/> PARENT <input type="checkbox"/> OTHER <input type="checkbox"/>		CM		SEX		RAC	
RIP <input type="checkbox"/> WIT <input type="checkbox"/> CO-VIC <input type="checkbox"/> PARENT <input type="checkbox"/> OTHER <input type="checkbox"/>		CM		SEX		RAC	
SUSPECT NAME (LAST, FIRST, MIDDLE)		CM		SEX		RAC	
JACKSON, Michael		N		M		B	
DRESS		PHONE		MUSTACHE		HAT	
TNAME (LAST, FIRST, MIDDLE)		CM		SEX		RAC	
DRESS		PHONE		MUSTACHE		HAT	
SUSPENSE LICENSE		ST		YR		MAKE	
VE OF RD		ADDRESS		COLOR		LOCATION/PERSON	
COMPLAINT FILED		12. REVIEWING DA		13. CITATION ISSUED		14. WARRANT ISSUED	
YES <input type="checkbox"/> MISDEMEANOR				D.A. NOTICE		IN CUSTODY	
NO <input type="checkbox"/> FELONY				REF TO PROBATION		OUT ON BAIL	
ATTACHMENTS: <input checked="" type="checkbox"/> SHM31		<input type="checkbox"/> CHIP 100		<input type="checkbox"/> OTHER		<input type="checkbox"/> PROPERTY TAG # 122980	
RELATED CASE NUMBERS		VICTIM OR BUSINESS		DATE REPORTED		CRIME TYPE	
REPORTING DEPUTY BODY #		18. DATE/TIME RPT WRITTEN		19. EST. TOTAL VALUE		23. TOTAL HOURS WIK	
St. C. Bonner 2474		12-05-2004 @ 1530				3.0 hours	
ASSISTING DEPUTY BODY #		21. SUT/DOCA/PROVING BODY		22. TYPED BY/DATE		RECORDS USE ONLY	
Bl. P. Zells 2667		Sgt. S. Robel 0515				RECEIVED 2423 DATE 2/2/05	
						DCS	
						RMS	
						Disability	



PAGE 2	SHERIFF'S DEPARTMENT		Case Number 03-5670
	Santa Barbara County		
	CONTINUATION SHEET		
[A] LIST CONTINUATION. [B] DESCRIBE PHYSICAL EVIDENCE, LOCATION FOUND & DISPOSITION. [C] NARRATIVE. [D] DISPOSITION.			

A. LIST CONTINUATION:

Relationships of named individuals:

Jaime Masada is the owner of the Laugh Factory, a comedy night club. Masada owns Laugh Factory locations in both Los Angeles and New York. When the Laugh Factory is referenced throughout the remainder of this report, I am referring to the Los Angeles location.

Attachments to report;

1. Photocopies of Laugh Factory check numbers 246696 and 24755.

B. PHYSICAL EVIDENCE:

I audio recorded my initial and follow-up interviews with Jaime Masada, using an Olympus digital recorder. I subsequently downloaded the original digital audio files (Olympus .dss format) and converted the files to a universal digital audio format (.wav). I burned both the original and converted audio files onto a CD-R computer media disks. I also made discovery copies and a working copy of the original CD-R disks. I booked the original CD-R disk from the initial interview into evidence as item number 1788, under tag number 122980. I booked the original CD-R disk from the follow-up interview into evidence as item number 1792, under tag number 122980.

On 1-19-2005, Jamie Masada provided me with photocopies of checks he provided to members of the Arvizo family in the past. This documentation consisted of ten pages. I scanned the documents for discovery purposes, then booked the original documents into evidence as item number 1798, under tag number 122980.

C. NARRATIVE:

On 01-04-2005, Detective Paul Zelis and I contacted Jaime Masada at his place of business in Los Angeles. The purpose of this contact was to interview Masada about his involvement in fund raising for the Arvizo family. This interview sought information not addressed during earlier interviews with Masada. I also recontacted Masada on 1-11-2005 to confirm certain details and address information I learned during interviews with Fritz Coleman and Louise Palanker.

0260752

PAGE 3	SHERIFF'S DEPARTMENT		Case Number 03-5670
	Santa Barbara County		
	CONTINUATION SHEET		
(A) LIST CONTINUATION. (B) DESCRIBE: PHYSICAL EVIDENCE, LOCATION FOUND & DISPOSITION. (C) NARRATIVE. (D) DISPOSITION.			

What follows is a synopsis of the new information discussed during these conversations with Masada.

Masada stated he was involved in several fund raising efforts on behalf of the Arvizo family. Masada made arrangements for the Arvizo family to receive the door charge monies from the Laugh Factory on several occasions. Masada believed this arrangement was made for four nights in total. Masada did not know specific dates associated with these fund raising efforts, but stated he would attempt to somehow identify the dates in question. On each occasion, David Arvizo and the children would man the front door at the Laugh Factory and personally collect the entry fees from customers. The Arvizo family kept all of the monies collected at the door. Masada and the Laugh Factory absorbed the operating, employee and performer costs for the evenings. There was no accounting for how much money was gathered on any of the evenings in question. Masada believed the collected monies would not have exceeded \$3000 on any of the nights.

On another occasion, Masada worked to arrange a blood donation drive on behalf of the victim. Masada worked with the local media to get the blood drive publicized. Masada seemed to recall the media coverage may have included a post office box to which persons could make a donation. Masada was not in any way associated with, nor involved in arranging for the handling of monetary donations. Masada thought it was possible the family received monetary donations as a result of the media exposure, but these monies were not channeled through Masada, or the Laugh Factory.

Masada personally provided the Arvizo family with a number of smaller monetary gifts. Masada recalled David Arvizo coming to Masada and asking for monies to help care for the victim. Masada stated he did not trust David Arvizo. Masada felt David Arvizo was lying and taking advantage of Masada's charity. Masada told me of an instance wherein David Arvizo came to Masada and claimed he lost his wallet, which just happened to have three hundred dollars of the victim's money in it. David Arvizo asked Masada if he would provide David three hundred dollars to cover the amount he lost. Masada gave David the money, even though he felt David was lying. Masada stated David was very pushy with regard to wanting money and even tried to pressure one of the comedians, George Lopez, about performing to make money for the Arvizo Family.

PAGE 4	SHERIFF'S DEPARTMENT		Case Number 03-5670
	Santa Barbara County		
	CONTINUATION SHEET		
(A) LIST CONTINUATION. (B) DESCRIBE PHYSICAL EVIDENCE, LOCATION FOUND & DISPOSITION. (C) NARRATIVE. (D) DISPOSITION.			

With regard to Janet Arvizo, Masada felt she was very honorable. Masada told us of an instance wherein a successful and well known comedian (not Palanker) offered to write a blank check to help the victim and his family. This particular comedian wished to remain anonymous. When Masada told Janet Arvizo about the offer, Janet declined, stating she did not want money. Masada went on to state that on the occasions Janet (and Jay Jackson) approached Masada for assistance, it was for specific activities such as a martial arts class for the victim and his brother, or for private school tuition (Jay Jackson approached Masada about this). With regard to the martial arts class, Masada paid the monies directly to the martial arts school.

Pertaining to the children, Masada described the boys as being very honest. Masada stated none of the Arvizo children have approached Masada, asking for monies. Masada has provided the boys with small amounts of money on occasion; but not at the request of the boys.

Masada stated he has no record of the monies provided to the Arvizo family as result of the benefit engagements at the Laugh Factory. The only charity/ gift records Masada thought he may be able to produce, were copies of canceled checks he wrote to David Arvizo.

I asked if he ever observed injuries on the person of Janet Arvizo. Masada stated he observed Janet Arvizo to have visible injuries on two occasions. On one occasion, Janet had two bruises on her upper chest, near her neck. Masada could not further describe the bruises. On the second occasion, Masada observed discoloration and swelling on the side of Janet's face.

I told Masada about the observations of Palanker with regard to the involvement of George and Ana Lopez, pertaining to the lost wallet incident. Masada immediately recalled the wallet David Arvizo contacted him about was in fact the one allegedly lost at the Lopez residence. Masada did not initially recall George or Ana Lopez contacting him and informing him of the wallet being found and only containing several dollars. As we continued to talk, Masada recalled he received a call from Ana Lopez wherein she informed Masada of their finding the wallet. Masada could not remember if



PAGE 5	SHERIFF'S DEPARTMENT		Case Number 03-5670
	Santa Barbara County		
	CONTINUATION SHEET		
(A) LIST CONTINUATION, (B) DESCRIBE: PHYSICAL EVIDENCE, LOCATION FOUND & DISPOSITION, (C) NARRATIVE, (D) DISPOSITION.			

the wallet only contained a few dollars. Masada maintained the remainder of his account (replacing the funds to David Arvizo) was correct. Masada was unaware of a telephone call placed by the victim to the Lopez family.

I told Masada about Palanker's recollection of Masada confronting David Arvizo about the wallet incident. Masada immediately recalled this incident. It occurred after one of the benefit engagements and took place on the second floor of the Laugh Factory establishment. David Arvizo became angry and made a statement to the effect he no longer wanted the monies collected at the Laugh Factory. David attempted to have the victim back up his story about the lost monies, but the victim refused to do so. After all this commotion and posturing, David still ended up leaving with the monies.

On 1-19-2005, I met with Jamie Masada to pick up documentation he collected at my request. Masada provided me with ten photocopied pages of cashed checks written against a Laugh Factory banking account. The first three checks were dated 10/21/1999 (check numbers 22010, 22011 and 22012) and were issued to V1, V2 and Davellin Arvizo. Each of these three checks were written in the amount of fifty dollars. In each case, the check was endorsed by the child and co-endorsed by David Arvizo. The fourth check was dated 3/19/2003 and was issued to Janet Arvizo or Jay Jackson. The check was written in the amount of four hundred dollars. The check appeared to have been endorsed by Janet Arvizo. The final check was dated 11/26/2003 and was issued to Shaina E. Traunfeld (Masada indicated this was for the purpose of purchasing a bed for the children). This check was written in the amount of \$577 and was apparently endorsed by Ms. Traunfeld.

Masada indicated copies of an additional check were missing from the documentation he provided to me. Masada stated he recalled an additional check that he provided to David Arvizo, which was not included within the materials he provided to me. Masada stated he would send me copies of the check as soon as they were located.

Masada further indicated he wrote a couple of personal checks (not related to the Laugh Factory accounts) to members of the Arvizo family. Masada did not believe he could retrieve copies of these

026059



PAGE 6	SHERIFF'S DEPARTMENT	Case Number 03-5670
	Santa Barbara County	
	CONTINUATION SHEET	
(A) LIST CONTINUATION. (B) DESCRIBE PHYSICAL EVIDENCE, LOCATION FOUND & DISPOSITION. (C) NARRATIVE. (D) DISPOSITION.		

checks. Masada stated the checks were for small amounts that he personally gifted to members of the Arvizo family. I asked if he could check with his bank about the possibility of obtaining copies of the checks, or at least copies of his bank statements, which would at least show the passing of the checks. Masada stated he would check with his bank and inform me of the results.

On 1-25-2005, I received an envelope sent to me by Jamie Masada. Upon opening the envelope, I found it to contain the attached photocopies of check numbers 24696 and 24755. Check number 24696 was written to David Arvizo, in the amount of \$800 and was dated 10-3-2000. Check number 24755 was also written to David Arvizo, in the amount of \$350 and was dated 10-13-2000. Neither check had any written information indicating the purpose for the check.

For verbatim accounts of the interviews, refer to the audio recordings that I booked into evidence.

D. CASE DISPOSITION:

Attn: Records. Investigation continuing.

026060

PROOF OF SERVICE

I, the undersigned declare:

I am over the age of 18 years and not a party to the within action. I am employed in the County of Santa Barbara. My business address is 301 East Cook Street, Suite A, Santa Maria, California 93454.

On March 14, 2005, I served the foregoing document: NOTICE OF MOTION AND MOTION RE ADMISSIBILITY OF EVIDENCE RELATED TO GEORGE LOPEZ on the interested parties in this action by depositing a true copy thereof as follows:

Tom Sneddon  
Gerald Franklin  
Ron Zonen  
Gordon Auchincloss  
District Attorney's Office  
312 East Cook Street  
Santa Maria, CA 93454

       BY U.S. MAIL - I am readily familiar with the firm's practice for collection of mail and processing of correspondence for mailing with the United States Postal Service. Such correspondence is deposited daily with the United States Postal Service in a sealed envelope with postage thereon fully prepaid and deposited during the ordinary course of business. Service made pursuant to this paragraph, upon motion of a party, shall be presumed invalid if the postal cancellation date or postage meter date on the envelope is more than one day after the date of deposit.

       BY FACSIMILE - I caused the above-referenced document(s) to be transmitted via facsimile to the interested parties at the above-referenced number.

  X   BY HAND - I caused the document to be hand delivered to the interested parties at the address above.

  X   STATE - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed Marc 14, 2005, at Santa Maria, California.

  
Bobette J. Tryon