

APR 20 2005

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

11
12 THE PEOPLE OF THE STATE OF CALIFORNIA,

13 Plaintiff,

14 v.

15
16 MICHAEL JOE JACKSON,

17 Defendant.

No. 1133603

PLAINTIFF'S MOTION TO
PRESENT THE TESTIMONY OF
ALEXANDER MONTAGU
MANCHESTER PURSUANT TO
EVIDENCE CODE § 1101

DATE: TBA
TIME: 8:30 a.m.
DEPT: TBA (Melville)

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19
20 TO: THE CLERK OF THE SUPERIOR COURT AND TO DEFENDANT AND HIS
21 COUNSEL:

22 PLEASE TAKE NOTICE that as soon as the matter may be heard, Plaintiff will
23 move the court for its order allowing introduction of the testimony of ALEXANDER
24 MONTAGU MANCHESTER¹ pursuant to Evidence Code section 1101, as evidence of
25 defendant's compulsive behavior with young boys and of his use of threats to discourage
26

27 ¹ Alexander Charles David Francis George Edward William Kimble Drogo Montagu, Viscount
28 Mandeville, is the 13th Duke of Manchester. By custom and tradition, he uses "Manchester" as his last
name.

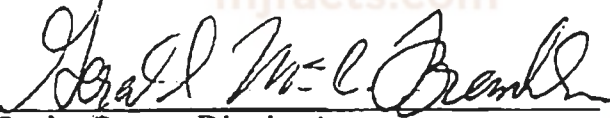
1 accusations of misconduct, and as evidence that defendant had been put on notice of
2 threatening conduct by his employees on his behalf.

3 The motion will be based on this notice and the accompanying Memorandum of
4 Points and Authorities.

5 DATED: April 20, 2005

6 Respectfully submitted,

7 THOMAS W. SNEDDON, JR.
8 District Attorney

9 By: 
10 Senior Deputy District Attorney

11 Attorneys for Plaintiff

1 MEMORANDUM OF POINTS AND AUTHORITIES

2
3 1. Summary of Facts:

4 Alexander Montagu Manchester had known Michael Jackson since the 1980s. He
5 resides in Newport Beach, California and supplements his income by arranging sales and leases
6 of executive jet aircraft. He had been asked by defendant to arrange the purchase of an
7 executive jet.

8 Defendant called Mr. Manchester after the death of Mr. Manchester's cousin,
9 Princess Diana. Defendant asked if he could attend Diana's funeral in England. Mr.
10 Manchester told defendant he could not attend the funeral but invited him to attend the
11 memorial service for Princess Diana in Los Angeles in September 1997. Michael Jackson
12 visited Mr. Manchester, his wife and son in a hotel in Los Angeles for 12 hours. During that
13 time he played "hide and seek" with Manchester's five-year-old son, Alex.

14 After defendant's visit with the Manchester family at the hotel, defendant started
15 calling the Manchesters' son Alex ten to twenty times a day, at all hours of the day and night
16 and from all around the world. Sometimes he was crying when he called. Defendant said he
17 wanted to speak to his "hide and seek partner". He offered to send his driver, Gary Hearn,
18 down to pick up young Alex and return him to Neverland. Mr. Manchester refused. Defendant
19 offered to pay for a telephone for Alex's room. Mr. Manchester refused.

20 Around New Years of 1998 Mr. Manchester was invited to Neverland Ranch as
21 defendant's guest. He recalled that during the visit, defendant showed him the wine cellar, and
22 that he referred to it as the "Jesus juice room." During the afternoon defendant, Manchester
23 and Alex were watching the movie "Air Force One" at the theater. During the movie defendant
24 and Alex left to get popcorn. They then started playing hide and seek in the two bedrooms on
25 either side of the theater. After about twenty minutes Mr. Manchester realized he could no
26 longer hear them playing and went looking for his son. He engaged one of defendant's staff to
27 help him look for his son. For an hour and a half they looked for his son throughout
28 Neverland. He finally found his son in the upstairs bedroom of the master suite of the main

1 residence, on a bed with defendant. Alex had make-up on his face and Band-Aids on his
2 fingers just like Jackson.

3 Mr. Manchester complained to defendant and took his child from the bed. They left
4 the next day.

5 The next day defendant's assistant, Evie, called Mr. Manchester and asked to have
6 Alex delivered back to Neverland. Mr. Manchester said no. Mr. Manchester told Evie he was
7 upset with Jackson for disappearing with his son for an hour and a half.

8 Mr. Manchester manages the sales and lease of executive jet aircraft. Defendant
9 told him he wanted to buy a jet and invited him to Neverland Ranch to discuss the purchase of
10 one of the aircraft sometime in February or March of 1998. The afternoon after he arrived he
11 was confronted by two of Jackson's security guards who grabbed him and held him against a
12 wall warning him of what could happen to him if he accused Michael Jackson of child molest.
13 The guards told him Jackson had fans who would harm him. The guards physically held him
14 against the wall for five minutes while warning him of what could happen to him and his
15 family.

16 Mr. Manchester considered the threats to be very serious. When he met with
17 defendant he complained about his treatment. Defendant expressed disbelief that his security
18 people had engaged in any such threatening conduct. That night defendant offered Mr.
19 Manchester a gift of thousands of dollars worth of toys for Alex. Mr. Manchester turned down
20 the gift.

21 B. The Relevance Of Mr. Manchester's Evidence

22 1. Similar Prior Conduct

23 Mr. Manchester's testimony will disclose defendant's compulsive telephone
24 contacts with Alex Montagu, his young son, in a manner consistent with defendant's initial
25 contacts with other young boys, some of which led to intimate contact by defendant with the
26 boy who was the object of his attentions. His testimony will corroborate the testimony of, e.g.,
27 June Chandler and Gavin Arvizo. That evidence is admissible as evidence of a character trait
28 (Evid. Code, § 1101) and as evidence of his habit and custom in fostering and developing a

1 close relationship with young boys (Evid. Code, § 1105).

2 It is well settled that evidence of a defendant's commission of prior similar crimes
3 is admissible when relevant to prove a characteristic plan, scheme or design and, thus, the
4 identity or intent of the defendant as the one who committed the charged offense with the
5 requisite knowledge or intent. (See, e.g., *People v. Thomas* (1978) 20 Cal.3d 457, 464-467;
6 *People v. Balcom* (1994) 7 Cal.4th 414, 418 [similar, uncharged conduct in another state that
7 followed the charged offenses in California].) The same can be said about evidence of a
8 method of establishing what may ripen into a seductive relationship, employed by a defendant
9 who is charged with sexual offenses against a young child and who used a similar approach to
10 other young boys in the past.

11 2. Notice To Defendant Of Efforts By His Employees To
12 Threaten Potential Witnesses

13 Count One of the Indictment alleges defendant's participation in a conspiracy to
14 extort the cooperation of members of the Arvizo family in the production of a "rebuttal video"
15 by means of threats that harm might befall them if they were to disparage Michael Jackson.
16 Mr. Manchester's testimony will disclose that well prior to the events testified to by the
17 Arvizos, defendant had been put on notice that his employees were engaged in threatening and
18 physically coercive conduct on his behalf to protect him from a repeat of the Chandler family's
19 revelations in the early 1990s.

20 The threats to Mr. Manchester are consistent with the threats reported by Janet
21 Arvizo, and by Witnesses McManus, Chacon and Abdool. Mr. Manchester's testimony is
22 corroborative of the testimony of other witnesses in this case.

23 DATED: April 20, 2005

24 Respectfully submitted,

25 THOMAS W. SNEDDON, JR.
26 District Attorney

27 By:

28 
Gerald McC. Franklin, Senior Deputy

Attorneys for Plaintiff

PROOF OF SERVICE

STATE OF CALIFORNIA }
COUNTY OF SANTA BARBARA } SS

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

On April 20, 2005, I served the within PLAINTIFF'S MOTION TO PRESENT THE TESTIMONY OF ALEXANDER MONTAGU MANCHESTER PURSUANT TO EVIDENCE CODE § 1101 on Defendant, by THOMAS A. MESEREAU, JR., ROBERT SANGER and BRIAN OXMAN, by transmitting a true copy thereof to Mr. Mesereau at his confidential Santa Maria Fax number, and by personally delivering a true copy Mr. Sanger's office at the address shown on the attached Service List.

I declare under penalty of perjury that the foregoing is true and correct.
Executed at Santa Barbara, California on this 20th day of April, 2005.

Gerald McC. Franklin
Gerald McC. Franklin

SERVICE LIST

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