

APR 21 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
DEBBIE ROWE PURSUANT TO
EVIDENCE CODE § 1101

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

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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 DEBBIE ROWE
24 pursuant to Evidence Code section 1101, as corroborative evidence of defendant's plan in the
25 weeks following the airing of "Living with Michael Jackson" to cobble together glowing
26 tributes to him, by extortionate means if necessary.

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

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DATED: April 21, 2005

Respectfully submitted,

THOMAS W. SNEDDON, JR.
District Attorney

By: *Ronald McC. Bramble*
Senior Deputy District Attorney

Attorneys for Plaintiff

1 MEMORANDUM OF POINTS AND AUTHORITIES

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3 1. Summary of Facts:

4 Debbie Rowe is defendant's former wife. She is the mother of his two oldest
5 children, Prince and Paris. When the children were quite young Rowe gave up her parental
6 rights in favor of the defendant's exclusive right of custody. After the charges were filed in
7 this case Ms. Rowe returned to court and successfully vacated the order. She currently is in
8 litigation with defendant to compel visitation.

9 In early February, just prior to the United States airing of the Martin Bashir
10 documentary "Living with Michael Jackson," Ms. Rowe received a call from Ronald Konitzer,
11 one of defendant's close associates. He told Ms. Rowe that Michael Jackson was in trouble
12 and needed her assistance. He wanted her to help refute the image created by "Living with
13 Michael Jackson." Ms. Rowe told Mr. Konitzer that she would do so if Jackson himself
14 agreed. Minutes later defendant called Ms. Rowe and personally requested her assistance and
15 she agreed to help him.

16 Prior to the interview Ms. Rowe was given over 100 scripted questions for the up-
17 coming interview. The questions and the anticipated answers were designed to be
18 complimentary to Michael Jackson. Ian Drew rehearsed the questions with her. Mr. Schaffel
19 often interrupted and offered suggested answers. Mr. Schaffel also told Ms. Rowe that if she
20 did the interview she would be allowed to visit with her children. Ms. Rowe will acknowledge
21 that not all of her answers to the questions asked her in the interview were truthful.

22 Ms. Rowe's attorney, Iris Joan Finsilver, was present and has acknowledged hearing
23 Mr. Schaffel tell Ms. Rowe she could see her kids if she gave the interview.

24 Ms. Rowe's interview appears in the Maury Povitch film "The Footage You Were
25 Never Meant To See." It was filmed about the time the Arvizo family was filmed in the
26 abortive "rebuttal video." The Arvizos, in their interview, and Debbie Rowe in hers, say
27 essentially the same nice things about Michael Jackson. In each case, the children were used as
28 pawns to compel the mother's participation in the filmed interview and to assure an

1 enthusiastic response from her.

2 B. The Relevance Of Ms. Rowe's Evidence

3 1. Similar Contemporaneous Conduct

4 Ms. Rowe's testimony concerns the efforts made by defendant and his associates to
5 neutralize the distinctly negative effect that the broadcast of "Living with Michael Jackson"
6 likely would have on defendant's reputation and future income. Ms. Rowe will discuss the
7 coercive effect of the promise that she would be accorded visitation rights with her children in
8 exchange for her ungrudging participation in a filmed interview about Mr. Jackson.

9 Ms. Rowe's testimony will corroborate the testimony of Janet Arvizo, who was
10 concerned that her custody of her children might have been put in jeopardy by reason of the
11 negative implications of "Living with Michael Jackson," and who was to be interviewed by
12 investigators of the Los Angeles County Department of Children and Family Services just
13 hours after the midnight filming of the "rebuttal video."

14 Pursuant to Evidence Code section 1101, subdivision (b), evidence that defendant
15 engaged in similar "acts" and conduct with respect to Ms. Rowe is relevant to corroborate other
16 evidence of his participation in the conspiracy to extort a "thing of value" from Janet Arvizo –
17 her whole-hearted participation in the filming of the "rebuttal video" – at about the same time.

18 Plaintiff respectfully submits that Debbie Rowe's testimony is relevant and should
19 be admitted as part of the People's case in chief.

20 DATED: April 21, 2005

21 Respectfully submitted,

22 THOMAS W. SNEDDON, JR.
23 District Attorney

24 By:


25 Gerald McC. Franklin, Senior Deputy

26 Attorneys for Plaintiff
27
28

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 21, 2005, I served the within PLAINTIFF'S MOTION TO PRESENT THE TESTIMONY OF DEBBIE ROWE 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 21st day of April, 2005.

Gerald McC. Franklin
Gerald McC. Franklin

SERVICE LIST

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