

SEP 23 2004

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

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

THE PEOPLE OF THE STATE OF
CALIFORNIA,

Plaintiff,

vs.

MICHAEL JACKSON, et al.

Defendant.

) Case No.: 1133603

) Order Unsealing Transcript and Document

) [Michael Jackson's Application for an Order
) to Show Cause re Contempt and/or Other
) Sanctions Against the Santa Barbara County
) Sheriff Department and the District Attorney
) for Violation of this Court's Protective Order]

) [Transcript of Proceedings – September 3, 4,
) and 8, 2004]

Pursuant to the Court's indication that it intended to unseal the transcripts of the hearings related to Mr. Jackson's Application for an OSC, the Court now orders that the transcript of proceedings held on September 3, 4, and 8, 2004 be released from seal and be made available to the public, subject to minor redactions that have been communicated to the court reporter.

In addition, the Court denies Mr. Jackson's motion to seal his Application for an Order to Show Cause re Contempt and/or Other Sanctions etc., filed September 7, 2004, and orders it be released from conditional seal and placed in the public file.

DATED: September 23 2004

Rodney S. Melville
RODNEY S. MELVILLE
Judge of the Superior Court

1 Thomas A. Mesereau, Jr. (SBN 91182)
Susan C. Yu (SBN 19564)
2 COLLINS, MESEREAU, REDDOCK & YU
1875 Century Park East, 7th Floor
3 Los Angeles, California 90067
Telephone: 310-284-3120
4 Facsimile: 310-284-3133

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

8 Brian Oxman (SBN 072172)
9 OXMAN & JAROSCAK
14126 East Rosecrans
10 Santa Fe Springs, California 90670
Telephone: 562-921-3058
11 Facsimile: 562-921-2298

12 Attorneys for Defendant
MICHAEL J. JACKSON

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

17 THE PEOPLE OF THE STATE OF
CALIFORNIA,

18 Plaintiff,

19 vs.

20 MICHAEL J. JACKSON

21 Defendant.

CASE NO. 1133603

**MICHAEL JACKSON'S APPLICATION
FOR AN ORDER TO SHOW CAUSE RE
CONTEMPT AND/OR OTHER
SANCTIONS AGAINST THE SANTA
BARBARA COUNTY SHERIFF
DEPARTMENT AND THE DISTRICT
ATTORNEY FOR VIOLATION OF THIS
COURT'S PROTECTIVE ORDER;
DECLARATION OF COUNSEL;
EXHIBITS**

FILED UNDER SEAL

Hearing Date: September 8, 2004
Time: 1:00 p.m.

22
23
24
25 Defendant Michael J. Jackson, through his counsel, hereby applies for an order
26 to show cause re contempt and/or other sanctions against Tom Sneddon, the District
27 Attorney of Santa Barbara County, and/or the Jim Anderson, the Sheriff of Santa
28 Barbara County, for violation of this Court's protective order. Former Sheriff Jim

1 Thomas recently made statements for public dissemination concerning a prior
2 investigation against Mr. Jackson. Mr. Thomas disclosed certain witness statements,
3 opined about allegations against Mr. Jackson and expressed disappointment that the
4 prior investigation did not lead to criminal charges. Mr. Thomas has repeatedly
5 disclosed information subject to this Court's protective order. Mr. Thomas
6 previously confirmed the grand jury's issuance of an indictment through sources in
7 the Sheriff's Department and disclosed information about matters occurring before
8 the grand jury.

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

12 September 7, 2004

Respectfully submitted,

13 Thomas A. Mesereau, Jr.
Susan C. Yu

14 COLLINS, MESEREAU, REDDOCK & YU

15 Robert M. Sanger
SANGER & SWYSEN

16 Brian Oxman
17 OXMAN & JAROSCAK

18
19 By: 

Robert M. Sanger

20 Attorneys for Defendant
MICHAEL J. JACKSON

DECLARATION OF ROBERT M. SANGER

I, Robert M. Sanger, declare as follows:

1. I am an attorney duly authorized to practice before all courts of the State of California and am a partner of the law firm of Sanger & Swysen, co-counsel for defendants in the above-entitled case. I submit this declaration in support of an order to show cause re contempt and/or other sanctions for violation of this Court's protective order.

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

3. The Santa Barbara County Sheriff's Department participated in an investigation of Mr. Jackson during 1993-1994. Police and prosecutors from this county coordinated efforts with law enforcement from Los Angeles County in pursuit of allegations against Mr. Jackson of improprieties with a minor. Grand juries were convened in both counties. Numerous witnesses testified in those proceedings. Searches were conducted pursuant to warrants and well over one hundred people were interviewed. Jim Thomas was the sheriff in Santa Barbara County during the prior investigation.

4. The grand juries in Los Angeles and Santa Barbara did not indict Mr. Jackson. Criminal charges were not filed by prosecutors in either jurisdiction. Civil litigation involving the same allegations was settled.

5. Mr. Thomas, now retired, gave an interview that aired on national television on September 3, 2004. Mr. Thomas spoke at length about the content of witness statements during the 1993-1994 inquiry. Among other things, Mr. Thomas asserted opinions about the credibility of allegations against Mr. Jackson, represented that criminal charges were not filed due to settlement of the civil litigation and expressed disappointment that the complainant chose not to pursue

1 prosecution of Mr. Jackson. A transcript containing statements by Mr. Thomas is
2 attached hereto as Exhibit A.

3 6. On February 14, 2004, Mr. Thomas reportedly disclosed information to
4 the press that is uniquely available to the Sheriff's Department. Mr. Thomas stated
5 that part of a mattress was seized during the search of Mr. Jackson's home. Mr.
6 Thomas explained the item was taken for forensic examination to determine the
7 presence of semen. That information was under seal at the time and was not public
8 information before Mr. Thomas's remarks. An internet copy of excerpts from that
9 article is attached hereto as Exhibit B.

10 7. In March of this year, the prosecution opted to convene a grand jury to
11 indict Mr. Jackson in lieu of a preliminary hearing. On April 21, 2004, defense
12 counsel received a courtesy call from the District Attorney concerning the issuance
13 of an indictment. Within two hours of that call, Barry Bortnick, a reporter currently
14 with the New York Post and formerly with the Santa Barbara News Press, contacted
15 me asking for confirmation that an indictment was issued by the grand jury. Mr.
16 Bortnick told me that Jim Thomas said that an indictment was handed down. I
17 refused comment. Mr. Bortnick wrote an article published in the New York Post
18 naming Jim Thomas as a source confirming the indictment. A copy of excerpts from
19 that article is attached hereto as Exhibit C.

20 8. During the early evening of April 21, 2004, Mr. Thomas appeared on
21 television. Mr. Thomas was interviewed by telephone and said in no uncertain terms
22 that Mr. Jackson was indicted by the grand jury in Santa Barbara. A copy of an
23 internet video of that interview on disk will be brought to the hearing on this
24 Application.

25 9. Mr. Thomas also appeared on another news program on April 21, 2004.
26 He reconfirmed the existence of an indictment. Mr. Thomas also revealed that
27 "boys" from the 1993-94 investigation were not among the witnesses that testified
28 before the grand jury in this case. Mr. Thomas explained the prosecution's strategy

1 for declining to call these boys as witnesses. A copy of pertinent portions of that
2 interview is attached hereto as Exhibit D.

3 10. Someone from the Sheriff's Department and/or the district attorneys'
4 office is leaking to Mr. Thomas information regarding the current investigation
5 subject to this Court's protective order. Mr. Thomas is informed of sensitive
6 information relating to items seized during the search of Mr. Jackson's ranch and
7 forensic examination. Mr. Thomas was informed about the issuance of an indictment
8 and promptly passed it along to the media. Mr. Thomas and others should be ordered
9 to submit to examination on these matters.

10 11. Mr. Thomas has also released information from the 1993-1994
11 investigation of Mr. Jackson which could only come from confidential Sheriff's
12 Department files or from his personal knowledge of confidential information while
13 he was Sheriff.

14 12. The 1993-1994 investigation was a project in which immense resources
15 were invested by police and prosecutors in Santa Barbara and Los Angeles Counties.
16 Searches were conducted pursuant to warrants. Numerous witnesses were called to
17 testify before grand juries that were convened by both counties. Police and
18 prosecutors interviewed well over a hundred witnesses. The grand juries did not find
19 cause to allege that Mr. Jackson did anything wrong and the prosecutors did not file
20 criminal charges. In this case and in the media, however, innuendo from the prior
21 investigation persists. So-called facts from those proceedings have been cited in this
22 case to justify searches and the amount of bail. The prior investigation is clearly
23 within the ambit of this Court's protective order.

24 13. The prosecution may try to avoid responsibility on this by claiming that:
25 (1) Mr. Thomas is not a witness in this case; or (2) Mr. Thomas is not an agent of the
26 prosecution because he is retired. Both arguments disregard the content and purpose
27 of the protective order.

28 14. The parties, their counsel, and their agents are bound by the strictures of

1 the protective order. Tom Sneddon, as District Attorney of the County of Santa-
2 Barbara, is the chief law enforcement officer of the County. Mr. Sneddon is also the
3 lead counsel for the prosecution in this case. It is incumbent on him and his office to
4 assure that the protective order is honored in letter and spirit. In addition, Jim
5 Anderson is the Sheriff of the County of Santa Barbara. He is responsible for the
6 conduct of the current and former employees of the Sheriff's Office. He has a duty
7 to maintain confidentiality of prior confidential reports and records and to require
8 compliance with the protective order by both past and current Sheriff's officers and
9 employees.

10 15. Potential witness in the case are also bound by the protective order.
11 Repeated reference to the prior investigation indicates that the prosecution is at least
12 reserving its prerogative to attempt to introduce at trial evidence from the prior
13 investigation. The protective order clearly extends to Mr. Thomas. He is an agent of
14 the prosecution and a potential witness who, as the former Sheriff, has access to
15 information uniquely available to the police. Such information has been obtained
16 and disclosed. This conduct flagrantly violates the protective order. More than
17 nothing should be done about it.

18 16. The prosecution is responsible for these transgressions of the protective
19 order. Accordingly, an Order to Show Cause should issue why sanctions should not
20 be imposed against the Santa Barbara Sheriffs Department and/or the district
21 attorneys' office.

22
23 I declare under penalty of perjury that the foregoing is true and correct.
24 Executed this 7th day of September, 2004, at Santa Barbara, California.

25
26 
27 Robert M. Sanger
28

EXHIBIT A

New details about 1993 Jackson case

Alleged witnesses speak for first time, settlement claim from second boy

By Josh Mankiewicz

Dateline NBC

Updated: 7:54 p.m. ET Sept. 3, 2004 The year was 1993, and the biggest star in the world was

Michael Jackson. The hit song was "Black or White," his universal appeal so powerful that at the Super Bowl, he was the halftime show, his message that children can heal the world beamed to millions.

advertisement

But that year, Jackson's wholesome, Peter Pan image would be tarnished by lurid accusations of child molestation — and a huge civil settlement with his accuser would keep many of the details of the case secret.

But Dateline NBC has learned just what evidence authorities had against Michael Jackson, as well as details about the civil case against him that have remained sealed in the basement of the Los Angeles county courthouse for more than a decade.

Dateline NBC also heard from those who've never spoken publicly before, and has information about a second boy who received a multimillion-dollar payout, keeping the case out of a courtroom and off the front pages.

The allegations from 1993 are suddenly relevant today because witnesses from that case may now finally testify, and because it was a sort of dress rehearsal for the current case, showing authorities just how difficult it can be to accuse a wealthy celebrity.

It all began with a chance meeting in 1992, Jackson's car broke down in Los Angeles and he showed up at a rental car agency. The owner's step-son, a huge Jackson fan, got to meet his idol. Before long, Jackson's chauffeur was driving him to the boy's mother's modest Los Angeles home.

Ernie Rizzo is a Chicago private eye who had access to some of the early evidence in 1993.

Ernie Rizzo: "Michael Jackson started spending a lot of time at the boy's house... At 3:15 when the boy got home from school he'd get on the phone and call him and it went on for weeks, but it got worse and worse where the kid was up all night making phone calls back and forth."

In February '93 the boy and his mother were weekend guests at Jackson's Neverland Ranch, a child's paradise with its own amusement park and a video arcade that never closes. And for the next five months they appeared to be at Jackson's side everywhere, prompting the tabloids to call them his "secret family."

Sleepovers begin

The boy's mother initially believed her son's relationship Jackson was innocent. Then, in March, '93 during a trip to Las Vegas, the boy says he and Jackson began sleeping together in the same bed.

It happened after they watched the movie, "The Exorcist," according to this sworn statement by the boy filed in court months later.

"When the movie was over, I was scared. Michael Jackson suggested that I spend the night with him, which I did. There was no physical contact."

And that's what both the boy and Jackson told the mother when she asked about the sleeping arrangement.

"From that time, whenever Michael Jackson and I were together, we slept in the same bed."

Both parents even played host inviting the superstar into their homes for sleepovers with their 13-year-old son.

A polaroid photo the boy took of Jackson, wearing pajamas just before bedtime at his mother's house made it onto a cover of a book about Jackson by a South American journalist. It was at the least a highly unusual relationship for any parent to tolerate.

Josh Mankiewicz: "You think Jackson sort of deliberately turned the mother's head back in '93?"

Rizzo: "Sure. Jackson gave her tens of thousands of dollars, he flew her on his private jets all around the world. He gave her credit cards, shop, buy anything you want. Why would you do that to the mother of a little boy unless you wanted something in return?"

In May of '93, Michael Jackson was in Monte Carlo meeting real royalty, being honored at the World Music Awards.

Rizzo: "Jackson flies to Monaco, gets a suite in Monte Carlo -- two suites, one for the mother and her daughter and one for him and the little boy. Two suites."

It was on that trip to Monaco, according to the Boy, that sleeping together turned sexual.

The boy swore in a declaration filed in the civil suit against Jackson:

"After that, Michael Jackson masturbated me many times both with his hand and with his mouth. Michael Jackson told me that I should not tell anyone what happened. He said this was a secret."

After she returned to Los Angeles, the boy's father maintains his ex-wife told him she suspected things between her son and Jackson weren't so innocent. He says he confronted the singer.

The father says he asked Jackson in a chronology he wrote for his lawyers. The star responded:

"It's cosmic. I don't understand it myself. I just know we were meant to be together."

Fearing that he was losing his son to Jackson, the boy's father began a custody battle with his ex-wife and by the end of May, the boy moved in with his father. But the boy's relationship with Jackson wasn't over. In fact, the father who had just confronted Jackson now invited the star into his house for a sleepover with his son.

It was Memorial Day weekend, 1993. It would be a pivotal weekend for the case. Since then, no one who had a first person account of what happened inside the boy's home has ever spoken -- until now.

Caretaker speaks out for the first time

Norma Salinas worked for the boy's father and step-mother, cleaning house and caring for their two younger children in their comfortable Brentwood home. She says she was surprised when the boy came to live with his father because the teenager was rarely more than a weekend visitor who spent his time alone. The father usually too preoccupied with work, until that weekend.

Norma Salinas: "Much later I started to understand everything. At first, they didn't want this boy in the house and later when the relationship started with Michael, the boy came here to live. From then on there were strange things going on in this house."

The story about what happened that weekend changes, depending upon who's telling it. Jackson says it was the beginning of a plot to extort money from him. The boy's father wrote in a letter to his lawyers that he was simply trying to protect his son, re-establish a relationship that had been damaged by his son's involvement with Michael Jackson, and get to the bottom of what was really going on between a 13-year-old boy, and a 35-year-old man.

Salinas: "It was a big impression on me because the father brought him home for an entire weekend. I was very surprised because he is a big star and to arrive like that without bodyguards without anything I was a bit astonished."

The boy introduced Jackson to Salinas as his best friend. A moment both thrilling, says Salinas, and disturbing.

Salinas: "They were hugging, laughing. They looked very happy, like a couple."

She says the boy's father and step-mother acted as though there was nothing unusual about the visit, except when they instructed Salinas to keep the drapes pulled shut the entire weekend while Jackson was visiting.

Salinas: "The boy's step-mother told me to pull out the trundle bed that goes next to the boy's bed because that's where Mr. Michael was going to sleep."

It was in this spartan room, a room without a TV set Salinas says, that Michael Jackson and the 13-year-old boy spent virtually an entire weekend -- all with the father's full knowledge and consent.

Salinas: "I entered the room the next day to do the housekeeping as I always do. I noticed that no

one slept on the bed because there were no signs of anybody having slept there. I suspect that he slept on the bed because there was no other bed."

An undocumented worker who doesn't speak English, Salinas says she never went to police. She admits she didn't always get along with the father, whom she holds partly responsible for what happened.

Salinas: "In few words, you can say that he sold his son to Michael. They should both be in jail together. Michael, for what he did to the boy and the boy's father for what he did to his son."

Ernie Rizzo says the father used that weekend as a sort of fact-finding mission.

Mankiewicz: "Was there any surreptitious recording done of Michael Jackson and the boy during the time that Jackson was at that house?"

Ernie Rizzo: "Well yeah. Let me say this, the father had related some conversations to me. There were things that I don't think anybody could have heard through that bedroom door. My gut feeling would have been that there may have been a tape recorder in that bedroom."

Rizzo says the father knew he would need powerful evidence, like an audio tape, before he could take on the extremely powerful Jackson.

Rizzo: "It takes a lot of guts to accuse Michael Jackson of molesting. I think before he made his move he wanted to make sure, and I think he made sure."

Mankiewicz: "Even though that would mean exposing his child to someone who he suspected might be molesting him?"

Rizzo: "I mean, I wouldn't do it."

Salinas also suspects that the boy's father rigged the room with a recording device, but she has no evidence of that either. But she says after that Memorial Day visit, everything changed.

Salinas: "After that weekend, the boy's father stopped going to work."

Salinas says that from then on, to say that Jackson was unwelcome in the home would be an understatement.

Salinas: "Michael's name was never mentioned again in the house. That name was prohibited in the house."

The father has refused to talk to Dateline. He did tell a family member that although he told both his son and to others that he'd secretly recorded his boy and Jackson together, he was in fact bluffing, hoping to get his son to confirm or deny his suspicions. And the family member also quotes the father as saying he wishes he had acted on those suspicions much sooner.

Molestation charge first surfaces

Two months later, the boy told a psychiatrist that Jackson had molested him. The psychiatrist believed him and by law had to tell authorities. That triggered a joint investigation involving both Los Angeles police and the Santa Barbara sheriff's department which has Jurisdiction over Jackson's Neverland Ranch.

Jim Thomas was the sheriff in Santa Barbara county. He's now an NBC News consultant.

Thomas: "The case still depended, like this current one does, on whether the people believe the young boy that said he was molested."

Mankiewicz: "On the strength of the complaining witness."

Thomas: "On the strength of the complaining witness."

Thomas says the boy was believable, and they had a strong case. But this wasn't a typical investigation.

Michael Jackson: "There have been many disgusting statements made recently concerning allegations of improper conduct on my part. These statements about me are totally false."

In August 1993, the scandal hit the press, and with a global audience watching, Jackson and his advisors called the molestation allegations an extortion attempt, which the father has denied. In fact, police investigated and never brought any extortion charges. Still, the father's actions played into that argument because within weeks, the father filed suit asking for \$20 million from Michael Jackson.

Jackson: "I am hoping for a speedy end to this horrifying experience to which I have been subjected."

Meanwhile, authorities continued to gather evidence, including letters from Jackson to the boy, letters private eye Ernie Rizzo says he saw back in 1993.

Mankiewicz: "You saw love notes in the 1993 case?"

Rizzo: "In 1993 all he did was write love notes to the kid."

Mankiewicz: "How many are we talking about?"

Rizzo: "The kid had a handful of them, that Jackson would write him. Telling him how much he loved him, can't wait 'til he sees him again. We're going play on the floor. A little game he used to call, a€rub, a€™ with these little boys. It means you rub me, I rub you."

And perhaps even more revealing, the boy was able to describe marks on Michael Jackson's genitals. When police obtained a search warrant in December allowing them to photograph Jackson's naked body, investigators say the photos matched exactly with what the boy had told them. But despite the evidence they had, authorities didn't file any charges and didn't arrest

Jackson.

In January 1994, lawyers for Jackson and for the boy announced they'd settled the civil lawsuit that paid the boy's family an undisclosed sum of money, a figure we now know to be nearly \$25 million.

Six months later, frustrated that prosecutors still hadn't charged Jackson with a crime and citing anonymous death threats, the boy's family backed out of the criminal case. The boy would no longer cooperate.

Thomas: "That was a surprise. From the standpoint of what the actual outcome was of our victim not testifying was a blow."

Jackson has said he paid the settlement so he could get on with his career and his life, and that money, which he had plenty of at the time, was no admission of guilt. Also, that he was the victim of a shakedown by a greedy father.

But unlike his hit song of that time, things weren't so black and white.

Mankiewicz: "Back in 1993, Jackson's legal team, his representatives, were repeatedly saying that there was nothing to the charges because this was just a shake down for money, but in fact those two things aren't mutually exclusive. I mean, it could have been a shake down, and it could have been true."

Thomas: "Yeah, I suppose it could. I think you could advance the argument of who would pay that kind of money if they were innocent?"

A second boy?

It turns out there was more to the story. Dateline has learned that the now famous 13-year-old accuser wasn't the only boy investigators talked to, and he wasn't the only one who came away a millionaire.

A primary focus of the 1993 criminal investigation by L.A. police and the Santa Barbara sheriff's department was to find other boys who authorities suspected might have also been abused by Michael Jackson and who would back up the accusations of the original 13-year-old accuser.

Former Santa Barbara sheriff Jim Thomas says Michael Jackson didn't make it easy for investigators.

Mankiewicz: "I'm guessing in your average case, you call in the person who's accused and you question them."

Thomas: "Sure."

Mankiewicz: "Did that happen in this case?"

Thomas: "No. The attorney's would not allow that to occur."

Mankiewicz: "Jackson's attorneys."

Thomas: "Correct."

If the suspect wasn't talking, Thomas says witnesses were. And based on those interviews, investigators thought there might be more than one victim.

Thomas: "We always believed there were eight to 10 other children out there."

Eight to 10 other children molested by Michael Jackson? Jackson has maintained through the years that his interest in children is entirely non-sexual, but in 1993, it was certainly true that a huge number of children had spent the night at Jackson's Neverland Ranch.

Paper trail... destroyed?

And there was paperwork to show it. Dateline has obtained this copy of the visitor contract every guest to Neverland was required to sign before entering Jackson's private domain. Guests promise not to photograph Jackson or "make any disparaging remarks concerning Michael Jackson" to the outside world.

Its purpose is to protect the reclusive star's privacy and those signed contracts are a record of every visitor to Neverland -- including the kids who were sleeping in Michael Jackson's bedroom.

In 1993, as chief of security at Neverland Ranch, Robert Wegner was keeper of those records.

Robert Wegner: "It was our place to list on a chalkboard in the security office where everybody was sleeping in case there was an emergency the fire department could evacuate."

Mankiewicz: "So you'd know where to find everybody?"

Wegner: "Right, there's no names, just numbers. Like for instance if it's Michael's bedroom, it would be one, which was Michael. And then plus one or plus two that was staying in his room."

But Wegner, who has since published his own book about life at Neverland, says while inappropriate, Jackson's habit of inviting children to share his bedroom wasn't illegal. So he says he never brought his suspicions to the attention of police. Wegner simply continued to work and collect information.

Mankiewicz: "During the three years that you worked for Michael Jackson, how many children spent the night in his bedroom?"

Wegner: "I can't tell you how many children. I can tell you how many times. Now it's in excess of this and I'm being conservative, it was a hundred. Now that doesn't mean 100 children."

Mankiewicz: "Could have been the same child a number of times."

Wegner: "Right."

Mankiewicz: "Of those children how many were boys and how many were girls?"

Wegner: "To my knowledge I think he had one female girl in there one time, the rest were all boys."

Those records of who'd been sleeping overnight at Neverland and how many times they'd been there might have been useful in a police investigation looking into exactly that. But police never saw those records.

Because at the same time that investigators were executing a search warrant, Wegner says he was on the phone with Anthony Pellicano, Michael Jackson's private investigator, who told Wegner to get the records of who had been at Neverland, and deliver them to Pellicano in Los Angeles.

Wegner: "In fact he called me while I was in Michael's bedroom when LAPD was searching his bedroom he called and told me to do this, because he wanted them out of there before LAPD saw -- figured that they should subpoena those."

Mankiewicz: "Wait a minute. So while the LAPD was searching the ranch back in '93, Anthony Pellicano, Mr. Jackson's private investigator called you and said 'bring me the sign-in sheets of all the people who spent the night at Neverland.'"

Wegner: "That's right. And he identified himself by name."

Mankiewicz: "And you did that? You brought them, you brought him the records?"

Wegner: "Yes."

Mankiewicz: "Those records were also backed up on computer?"

Wegner: "Yes."

Mankiewicz: "And you deleted those files?"

Wegner: "I was told to delete them."

Mankiewicz: "Sort of effectively wiping a record of who had spent the night at Neverland?"

Wegner: "That's correct, or who was there."

Mankiewicz: "I can almost hear Mr. Jackson's representatives now in response to what you're saying, which is 'This guy wrote a book, this guy wants to make money off Mr. Jackson just like all those other people did.'"

Wegner: "This was a self-published book. I have not hardly made any money. All I wanted to get out was the information."

Former Santa Barbara sheriff Jim Thomas confirms that when they served that search warrant back in 1993, investigators didn't find everything they were looking for.

Thomas: "Well, there were some things that were missing."

Mankiewicz: "Was it your sense or the sense of other investigators that Neverland had been gone over, sanitized before the search warrant was actually served?"

Thomas: "That was an opinion that I received from some investigators that were there."

Mankiewicz: "Somebody had tipped off Jackson and his people."

Thomas: "Apparently so."

Robert Wegner says the sign-in sheets and other visitor records were never specifically asked for in the search warrant, and so therefore it was no crime to give them to Anthony Pellicano.

Mankiewicz: But did you feel like you were destroying evidence?"

Wegner: "I still felt a certain loyalty to my employer. And I was ordered to take them. So I did."

Both Anthony Pellicano and his former employer, Michael Jackson, turned down Dateline's request for comment about the visitor records at Neverland. After talking to witnesses, investigators ultimately did turn up those eight to 10 names of children they suspected might help corroborate the 13-year-old boy's story. But Thomas says most did not help authorities.

Thomas: "Many of them said that they had spent time with Michael Jackson. They had spent time in his bedroom, but that nothing had happened. Some wouldn't talk to us at all."

Thomas says almost all of the children denied they had been molested.

Thomas: "Of everyone that was talked to, two said yes."

That's right. Back in 1993 besides the original accuser, a second boy told police Jackson touched him intimately. Thomas says that second boy was willing to testify against Michael Jackson, but only if the first boy did as well. The second boy was 12 years old, the son of one of Jackson's employees at Neverland. Thomas says the boy accused Jackson of fondling him through his clothes, no sex.

Thomas: "Primarily, what he would admit to was inappropriate touching, something which in California would be a misdemeanor kind of a crime. But what it did do is that also helped corroborate the other victim. Because you had two boys who we don't believe had ever met

giving us the same kinds of statements, saying the same things had happened."

Mankiewicz: "That had to make you think, we've got our man here."

Thomas: "I always felt that way."

But remember, in January 1994 the original 13-year-old boy refused to testify and dropped out of the case, citing concerns about safety after receiving anonymous threats.

Mankiewicz: "Would they have been good witnesses?"

Thomas: "The DA thought so, especially the primary, because he had so much detail. And the secondary boy, it had been a number of years since his molestation occurred. And again, it wasn't to the same degree. But there was a lot of promise in the primary victim's testimony."

Mankiewicz: "Even though the primary victim in the 1993 case dropped out and stopped cooperating, you couldn't go forward with the other victim because what he was alleging was not enough of a crime?"

Thomas: "No. He wouldn't do it if the other one didn't. He was ashamed. He was afraid people would question his sexual orientation."

But shame may not have been the only thing influencing the alleged second victim. Dateline has learned that Michael Jackson paid that boy more than \$2 million and the money came with a now familiar agreement: The terms of the settlement could never be discussed publicly.

Thomas: "That's what was so disappointing about not being able to go forward with the 1993 case. It was a tremendous amount of frustration. Because we knew there would be other boys."

Because Jackson's settlements came with that secrecy clause, neither the boys, their parents, or even Jackson himself will comment. But Norma Salinas, who was in the boy's home, has no such restriction. And she says no money could repair the damage done to the boy.

Salinas: "Money doesn't buy everything. And that's what I saw in the boy, even though he had money, he didn't look so happy."

Salinas says the \$25 million settlement has financed what has essentially become an underground life for the boy and his family. Dateline obtained an exclusive video shot just before he turned 18 in 1998. It's the last time the boy has been photographed in public. Salinas says the money from the settlement has bought him both privacy and isolation.

He's 24 now, just graduated from college, and still hunted by the tabloids. One Los Angeles photo agency estimates that a picture of him today would fetch a photographer \$250,000.

Jackson has repeatedly said he could never harm any child. He has pleaded not guilty to the

charges in the current case, and although the accusations are 10 years apart, Jackson's defense involves the same assertion today, that he's being accused so that his accusers can sue him for part of his fortune.

Dateline offered Michael Jackson and his representatives a chance to comment on the details in our report. Jackson declined our request.

Ten years passed from the first case to the second, 10 years of charges, counter-charges, 10 years of certainty for some, 10 years of doubt for others and 10 years of questions.

If law enforcement and prosecutors had acted faster, would the case have ended differently? What if a civil suit hadn't been brought? Whatever the answers, a decade ago, sheriff Thomas says investigators were more than just frustrated when their case fell apart.

Mankiewicz: "Because you thought it was going to happen again?"

Thomas: "Yeah. There'd be more boys."

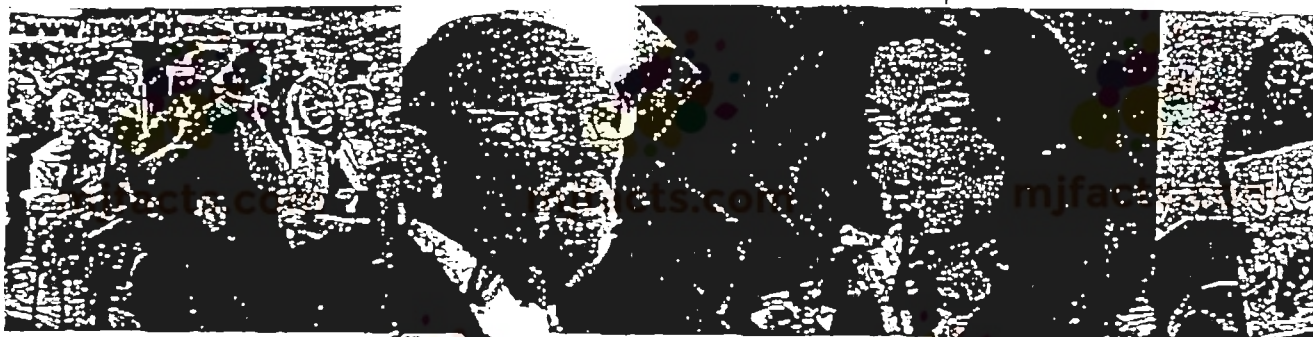
Mankiewicz: "And you think the current case proves you correct?"

Thomas: "I've always felt we were correct. I think the current case may show the rest of the world that we were correct."

Details from the 1993 investigation finally may be heard in court. Dateline has learned that Jackson's original accuser is willing to testify in the upcoming criminal trial against Jackson. Prosecutors have contacted the young man, and might call him as a witness. The trial is set to begin January 31.

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EXHIBIT B



February 14, 2004

photo gallery

Jackson attorney's request to loosen gag order delayed

Media attorney claims sealing records fosters sense of secrecy

By DAWN HOBBS

NEWS-PRESS STAFF WRITER

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Outside the courtroom, former Santa Barbara County Sheriff Jim Thomas told the News-Press that law enforcement officers also gathered semen from Mr. Jackson's mattress for DNA analysis. The results are expected to be within the next two to three weeks.

"While the DNA alone would not necessarily be a proving factor on its own, it would certainly corroborate the story," said Mr. Thomas, who said he learned of the DNA samples from reliable sources before the gag order was imposed.

"In these types of investigations, you'd look for semen from both individuals," he said.

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EXHIBIT C



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JACKO INDICTED

Kid-sex charges for King of Pop



JURY INDICTS JACKO

has filed charges against
Jettie after weighing evi-
dence against him for
three weeks.

Thomas, an NBC News analyst and close confidante of Santa Barbara County DA Tom Swadlow, did not deny the exact charges against Swadlow.

Two sources, including former Santa Barbara County Sheriff J. Lee Thomas, confirmed that the parole in Santa Barbara

The county's former top cop had led a 1993 child molestation probe against Jackson that flopped before, charges could be filed because the young accuser

accepted a settlement worth millions of dollars and dropped charges.



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EXHIBIT D

'Scarborough Country' for April 21

Read the complete transcript to Wednesday's show

Updated: 11:36 a.m. ET April 22, 2004

Guests: James Hirsen, Jennifer Giroux, Firpo Carr, Shmuley Boteach, Geoffrey Fieger, Lisa Bloom, Jim Thomas

JOE SCARBOROUGH,
NBC ANCHOR: I'm
Joe Scarborough.

There's breaking news in the Michael Jackson case. Word came in just minutes ago. A grand jury in Santa Barbara, California, has indicted Jackson on child molestation charges. Prosecutors

charged Jackson in December with seven counts of committing lewd or lascivious acts on a child under 14 and two counts of administering an intoxicating agent to a child, reportedly giving him wine to drink.

Now, Jackson is accused of molesting the boy, who is identified in court papers only as John Doe. And that was between February 7 and March 10 of 2003. Jackson, of course, has denied all charges. The indictment came on day 13 of the grand jury proceedings, which were held in secret.

Right now, we want to go to Jim Thomas. He's on the phone. Of course, he was the Santa Barbara sheriff in 1993 during the investigation of the last Michael Jackson molestation charge.

Jim, what can you tell us?

JIM THOMAS, FORMER SANTA BARBARA SHERIFF: Well, we just learned about 10 minutes ago that there in fact has been an indictment. And that indictment has been sealed.

We've been told by court authorities that they would continue to have



that indictment under seal until the arraignment, presumably on April 30, which is next Friday. We believe by then that other sources will be able to confirm the exact nature of the indictments. That's something that we don't know right now, other than an indictment has been handed down by the Santa Barbara County grand jury.

SCARBOROUGH: Obviously, this grand jury has been extraordinarily secretive, the process. People are guessing it's been 12, 13 days.

Jim, when the word started leaking out earlier tonight that they may have come back with an indictment, if it is a secret process, how did NBC and other news agencies start getting word that the indictments were going to be coming down?

THOMAS: Well, actually, NBC got information that they would be going into deliberations today. And then later this afternoon at about 10 until 5:00 or 10 until 4:00 Pacific time, Judge Clifford Anderson, who is the judge overseeing the grand jury, went to the location where the grand jury meets.

Under the way that the law works in California, the only reason that the judge would be there would be one of two reasons, either to answer a technical question or, No. 2, to receive the indictment itself. About an hour and 10 minutes after that, the judge and the grand jurors left and we learned that there would not be any security detail for the grand jurors tomorrow. So at that point we had a pretty good idea that an indictment had been handed up, but we weren't certain until about 20 minutes after that.

SCARBOROUGH: All right, Jim Thomas, former Santa Barbara sheriff, thank you so much being with us.

Right now, let's take it over to Dan Abrams with "THE ABRAMS REPORT."

THOMAS: The judge said in the last hearing that he would like to see the trial by the end of this year. But people on both sides, I think, are saying that that would be unrealistic and it will probably be some time after the 1st of the year.

SCARBOROUGH: Jim, we've been talking tonight about the fact of how Michael Jackson's attorneys could appeal this indictment. If they do appeal it, how likely is it that they would succeed?

THOMAS: Well, Joe, I'm not an attorney. But talking to the experts, I think is highly unlikely. The DA is not working in a vacuum here.

He knows he's going to be challenged. He knows where he's going to be challenged. And he made sure that when he made the presentation to the grand jury that those issues would have been taken into consideration. Let me give you an example. A lot of people thought that he would have used the boys from the 1993 case. He did not. One of the reasons, I believe, is because they have not yet been approved to testify in trial, which would require a judge to approve their testimony.

Had they testified and had they been part of the indictment, then I think that might have been an issue that could be challenged by the defense.

SCARBOROUGH: All right, Jim Thomas, thanks so much for being with us.

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 233 East Carrillo Street, Suite C, Santa Barbara, California, 93101.

On September 7, 2004, I served the foregoing document **MICHAEL JACKSON'S APPLICATION FOR AN ORDER TO SHOW CAUSE RE CONTEMPT AND/OR OTHER SANCTIONS AGAINST THE SANTA BARBARA COUNTY SHERIFF DEPARTMENT AND THE DISTRICT ATTORNEY FOR VIOLATION OF THIS COURT'S PROTECTIVE ORDER; DECLARATION OF COUNSEL; EXHIBITS** on the interested parties in this action by depositing a true copy thereof as follows:

Tom Sneddon
Gerald Franklin - By Hand
Ron Zonen
Gordon Auchincloss
District Attorney
1105 Santa Barbara Street
Santa Barbara, CA 93101
558-2398

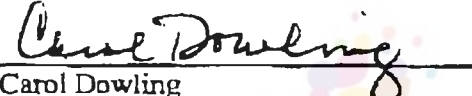
 BY U.S. MAIL - I am readily familiar with the firm's practice for collection of mail and processing of correspondence for mailing with the United States Postal Service. Such correspondence is deposited daily with the United States Postal Service in a sealed envelope with postage thereon fully prepaid 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.

 X **BY FACSIMILE** - I caused the above-referenced document(s) to be transmitted via facsimile to the interested parties at 568-2398.

 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 September 7, 2004, at Santa Barbara, California.


Carol Dowling

PROOF OF SERVICE
1013A(1)(3), 1013(c) CCP

STATE OF CALIFORNIA, COUNTY OF SANTA BARBARA:

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

On SEPTEMBER 23, 20 04, I served a copy of the attached ORDER UNSEALING TRANSCRIPT AND DOCUMENT (MICHAEL JACKSON'S APPLICATION FOR AN ORDER TO SHOW CAUSE RE CONTEMPT AND/OR OTHER SANCTIONS AGAINST THE SANTA BARBARA COUNTY SHERIFF DEPARTMENT AND THE DISTRICT ATTORNEY FOR VIOLATION OF THIS COURT'S PROTECTIVE ORDER) (TRANSCRIPT OF PROCEEDINGS - SEPTEMBER 3, 4, AND 8, 2004) addressed as follows:

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

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

 X FAX

By faxing true copies thereof to the receiving fax numbers of: 805-568-2398 (DISTRICT ATTORNEY); 310-861-1007 (THOMAS A. MESEREAU, JR). Said transmission was reported complete and without error. Pursuant to California Rules of Court 2005(i), a transmission report was properly issued by the transmitting facsimile machine and is attached hereto.

 MAIL

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

 PERSONAL SERVICE

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

 EXPRESS MAIL

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

I certify under penalty of perjury that the foregoing is true and correct. Executed this 23RD day of SEPTEMBER, 20 04, at Santa Maria, California.


CARRIE L. WAGNER