

OCT 04 2004

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\* Unsealed pursuant  
to 6/16/05 court's  
order

16 SUPERIOR COURT OF THE STATE OF CALIFORNIA

17 FOR THE COUNTY OF SANTA BARBARA, SANTA MARIA DIVISION

18 THE PEOPLE OF THE STATE OF  
19 CALIFORNIA,

20 Plaintiff,

21 vs.

22 MICHAEL JOE JACKSON

23 Defendant.

) CASE NO. 1133603

) NOTICE OF MOTION AND MOTION  
) COMPELLING DISCLOSURE OF  
) INFORMANT'S IDENTITY OR, IN THE  
) ALTERNATIVE, DISMISSING THE  
) ACCUSATORY PLEADING;  
) MEMORANDUM OF POINTS AND  
) AUTHORITIES; DELCARATION OF SUSAN  
) C. YU IN SUPPORT THEREOF

) HEARING

) DATE: OCTOBER 14, 2004

) TIME: 8:30 A.M.

) Place: Dept. SM-2

) FILED UNDER SEAL & BY FAX

) 1-

28 NOTICE OF MOTION AND MOTION COMPELLING DISCLOSURE OF INFORMANT'S IDENTITY  
OR, IN THE ALTERNATIVE, DISMISSING THE ACCUSATORY PLEADING; MEMORANDUM  
OF POINTS AND AUTHORITIES; DELCARATION OF SUSAN C. YU IN SUPPORT THEREOF

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

5 Please take notice that on October 14, 2004, at 8:30 a.m., or as soon thereafter as the  
6 matter may be heard, before the Honorable Rodney S. Melville, defendant Michael Joseph  
7 Jackson ("Mr. Jackson") will move and hereby does move the Court to order the  
8 prosecution to disclose the true identity of the informants in this case and all pertinent  
9 information which might assist the defense to locate them (including their present  
10 whereabouts), or dismiss the accusatory pleading ("Motion").

11 This Motion is based on this notice of motion and the accompanying memorandum  
12 of points and authorities, the declaration of Susan C. Yu and attached exhibits, the Court's  
13 files and records in this action, such other matters as may be considered by way of judicial  
14 notice and such further oral or documentary evidence as the Court may permit at the time  
15 of the hearing.

16 DATED: October 4, 2004

Respectfully submitted,

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

20 Steve Cochran  
21 Stacey McGee Knight  
22 KATTEN MUCHIN ZAVIS ROSENMAN

23 Robert M. Sanger  
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25 Brian Oxman  
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27 By:

28   
Susan C. Yu  
Attorneys for Mr. MICHAEL J. JACKSON

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1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I.

3 INTRODUCTION

4 To date, the defense has received from the prosecution approximately 43 search  
5 warrants. The supporting affidavits and/or the probable cause statements for these search  
6 warrants, however, have been either (1) not produced at all or (2) produced little by little  
7 and/or incompletely (i.e., with missing pages).<sup>1</sup>

8 Among this pile of "search warrant hodgepodge," so to speak, the defense has been  
9 able to identify 10 search warrant probable cause statements referencing confidential  
10 informants. As will be discussed more fully below, these confidential informants are  
11 cloaked in varying titles, fashioned as follows:

- 12 1. Confidential Reliable Agent (Neverland, Moslehi, Miller Search Warrant);
- 13 2. Confidential Reliable Informant (Search Warrant Nos. 4914, 4946, 5006,  
14 5007, 5008 and 5135);
- 15 3. "Numerous witnesses, who provided information based on their personal  
16 knowledge and/or documentation" (Search Warrant No. 4915 and 5135);
- 17 4. "Information from Various Sources" (Search Warrant 5135)
- 18 5. Credible and Reliable Sources (Search Warrant No. 4915); and
- 19 6. Confidential Citizen Informant (Search Warrant Nos. 4953 and 4959).

20  
21  
22 <sup>1</sup> Discovery is on-going, and the prosecution has yet to produce all of the outstanding  
23 affidavits and statements of probable cause, as well as all other search warrants and supporting  
24 affidavits and probable cause statements it has not yet produced. Additionally, the Court ordered  
25 production of a certified copy of the search warrants, affidavits and returns which have been filed  
26 to date. A copy was provided by the Clerk to both parties in open court. Since that time,  
27 additional search warrants have apparently been sought and obtained. For instance, the  
28 prosecution has sought to seal additional search warrants and related documents and has not  
provided any of them in discovery. In this regard, Mr. Jackson respectfully submits that he  
reserves the right to renew this motion, as necessarily called for by the production of these  
outstanding discovery. Further, the prosecution's failure to produce discovery shall be taken up  
with this Court by way of a status report or a motion, separate and apart from the instant motion.

1 Mr. Jackson respectfully submits that the true identities and the present  
2 whereabouts of all of these informants must be disclosed for two main reasons.

3 First, these informants are material witnesses. They are material because there is a  
4 reasonable possibility that they could give evidence (i.e., by way of testimony or  
5 production of documents) that might exonerate Mr. Jackson.

6 Second, nondisclosure of these informants will deprive Mr. Jackson of his  
7 constitutional right to due process and a fair trial.

8 For these reasons, this motion should be granted.

9 II.

10 STATEMENT OF FACTS

11 The indictment imagines ten counts against Mr. Jackson: one count of conspiracy to  
12 commit false imprisonment, child abduction and extortion (Count 1); four counts of lewd  
13 conduct upon a child (Counts 2, 3, 4 and 5); one count of attempt to commit a lewd act  
14 upon a child (Count 6); and four counts of administering alcohol to a minor to assist in  
15 commission of a felony (Counts 7, 8, 9 and 10). (Yu Decl., ¶ 2.)

16 The indictment further imagines a conspiracy among Mr. Jackson, five named but  
17 unindicted individuals, and other "uncharged" and "unknown" alleged co-conspirators to  
18 commit child abduction, false imprisonment and extortion. Twenty-eight overt acts in  
19 furtherance of this imaginary conspiracy are alleged. (Yu Decl., ¶ 3.)

20 Mr. Jackson has pled not guilty to all counts. He vehemently denies the false  
21 allegations planted in the indictment and maintains his complete innocence. (Yu Decl., ¶  
22 4.)

23 Attached as Exhibit 1 to the Yu Declaration is a true and correct copy of the  
24 relevant page (i.e., page 33) of the Neverland Search Warrant probable cause statement,  
25 dated November 17, 2003. Page 33 references an informant labeled as "Confidential  
26 Reliable Agent."



1 Attached as Exhibit 2 to the Yu Declaration is a true and correct copy of  
2 the relevant pages (i.e., pages 4-5) of the Search Warrant No. 4914 Probable Cause  
3 Statement, dated February 2, 2004. Page 5 references a "Confidential Reliable Informant."

4 Attached as Exhibit 3 to the Yu Declaration is a true and correct copy of  
5 relevant pages (i.e., pages 3 and 6) of the Search Warrant No. 4915 Probable Cause  
6 Statement, dated February 2, 2004. Page 3 references confidential informants as  
7 "numerous witnesses, who provided information based on their personal knowledge  
8 and/or documentation." Page 6 references confidential informants as "credible and  
9 reliable sources."

10 Attached as Exhibit 4 to the Yu Declaration is a true and correct copy of  
11 the relevant pages (i.e., pages 8 and 9) of the Search Warrant No. 4946 Probable Cause  
12 Statement, dated March 2, 2004. Pages 8 and 9 reference a "Confidential Reliable  
13 Informant."

14 Attached as Exhibit 5 and Exhibit 6 to the Yu Declaration is a true and correct copy  
15 of the relevant page (i.e., page 4) of the same Probable Cause Statement for Search Warrant  
16 Nos. 4953 and 4959, dated March 4, 2004. Page 4 references "Confidential Citizen  
17 Informant."

18 Attached as Exhibit 7, Exhibit 8 and Exhibit 9 to the Yu Declaration is a true and  
19 correct copy of the relevant page (i.e., page 5) of the same Probable Cause Statement for  
20 Search Warrant Nos. 5006, 5007 and 5008, dated March 4, 2004. Page 5 references  
21 Confidential Reliable Informant.

22 Attached as Exhibit 10 to the Yu Declaration is a true and correct copy of the  
23 relevant page (i.e., page 4) of the Search Warrant No. 5135 Probable Cause Statement,  
24 dated September 7, 2004. First paragraph of page 4 references "numerous witnesses, who  
25 provided information based on their personal knowledge and/or documentation." Second  
26 paragraph references "information from various sources." Fourth paragraph references a  
27 Confidential Reliable Informant.

1 On July 22, 2004, Mr. Jackson, by and through his counsel, Mr. Mesereau,  
2 requested the prosecution to disclose the identities of all informants who qualify as  
3 reliable. (Yu Decl., ¶ 12; Exhibit 11 thereto.)

4 On August 12, 2004, Mr. Sneddon sent a reply letter to Mr. Mesereau, stating that  
5 there was only one "confidential reliable informant" and that such informant was Jay  
6 Jackson. (Yu Decl., ¶ 13; Exhibit 12 thereto.)

7 At his testimony on August 19, 2004 during part 1 of the Penal Code Section 1538.5  
8 hearing (i.e., the "Miller" examination), Mr. Jay Jackson testified that he was not the  
9 confidential informant:

10 [Question by Mr. Mesereau]

11 Q: Had you helped Mr. Robel with any other issues involving this particular case?

12 A: No, sir.

13 Q: Was this the first time you helped any police officer develop information in the  
14 case?

15 A: That was the only time.

16 Q: Okay. Have you been serving as a confidential informant in this case?

17 A: No, sir.

18 Q: Has I know [sic] ever told you that you are in fact a confidential informant in  
19 this investigation or case?

20 A: No, sir.

21 Q: Okay. Now, did detective Robel call you and said he wants your help in I'd  
22 filing where Mr. Miller is located, correct?

23 A: Correct.

24 Q: Did he tell you how to do that?

25 A: No, he just told me the building and just to go that building and see if I could  
26 locate his office.

1 (August 19, 2004 Hearing Transcript, 55:7-27 (Livenote Version)).<sup>2</sup>

2 facts.com mlfacts.com mlfacts.com  
3  
4 III.

5 APPLICABLE LAW

6 A. Prosecution's Duty to Disclose.

7 The rules governing the prosecution's duty to disclose the identity of an informant  
8 are summarized by the Supreme Court in Twigg v. Superior Court, 34 Cal.3d 360, 194  
9 Cal.Rptr. 152 (1983), as follows:

10 This court has set forth the rule regarding the prosecution's duty to disclose  
11 the identity of an informant. "When an informer is a material witness on the  
12 issue of guilt, the People must disclose his identity or incur a dismissal.  
13 (Roviaro v. United States (1957) 353 U.S. 53 [77 S.Ct. 623, 1 L.Ed.2d 639]  
14 [citations]; People v. McShann (1958) 50 Cal.2d 802, 808 [330 P.2d 33]  
15 [citations]; see Evid.Code, §§ 1041, 1042.) . . . What must be disclosed is the  
16 witness's 'identity'; not merely his name, but all pertinent information  
17 which might assist the defense to locate him." Eleazer v. Superior Court, 1

18 Cal.3d 847, 851, 83 Cal.Rptr. 586, 464 P.2d 42 (1970). In so holding, we  
19 specifically disapproved decisions stating that the "prosecution automatically  
20 fulfills its obligation of disclosure when it reveals all that it knows, despite  
21 the inadequacy of such data to locate the informer." (Eleazer v. Superior  
22 Court, supra, 1 Cal.3d at pp. 851-852, 83 Cal.Rptr. 586, 464 P.2d 42, fn.  
23 omitted.) Rather, we concluded that when "through police tactics or  
24 happenstance the informer becomes a material witness, the police should  
25 make such inquiries and arrangements as are reasonably necessary to enable  
26 the prosecution and defense to locate him." (Id., at p. 852, 83 Cal.Rptr. 586.

27  
28  
29 <sup>2</sup> The undersigned has not yet obtained the certified transcript of the hearing from August 16  
30 through August 20 and August 23, 2004. Thus, it is respectfully requested that the Court take  
31 judicial notice of the Livenote version of the transcript of Jay Jackson's August 19<sup>th</sup> testimony.



464 P.2d 42, fn. omitted.) Moreover, the duty to disclose arises irrespective of the defendant's ability to obtain the information through his own efforts, because the prosecution knows from the outset whether the informer is a material witness, and the prosecution has greater investigatory resources and superior knowledge of and contacts with the informer. (Eleazer v. Superior Court, supra, 1 Cal.3d at p. 853-854, 83 Cal.Rptr. 506, 464 P.2d 42.)

Id., at 34 Cal.3d 365-366, 194 Cal.Rptr. 154-155 (1983)(emphasis added in bold).

B. Prima Facie Showing of Materiality.

An informant is a material witness if there is a "reasonable possibility that the anonymous informant whose identity is sought could give evidence on the issue of guilt which might result in defendant's exoneration." People v. Garcia, 67 Cal.Rptr.2d 830, 840, 64 Cal.Rptr. 110, 117 (1967). The burden of establishing this prima facie showing of materiality rests with the defendant. Id., at 67 Cal.Rptr.2d 839.

A defendant need not demonstrate, however, that an informant would give favorable testimony or show what that informant's testimony would be. People v. Tolliver, 53 Cal.App.3d 1036, 1043, 125 Cal.Rptr. 905, 910 (1975). Rather, the accused need only show that the informant was "in a position to perceive . . . either the commission or the antecedents of the alleged crime." People v. Ingram, 87 Cal.App.3d 832, 839, 151 Cal.Rptr. 239, 243 (1978)(quoting from Williams v. Superior Court, 38 Cal.App.3d 412, 423, 112 Cal.Rptr. 485, 491 (1974).)

The court in Williams analyzed the controlling Supreme Court decisions and concluded:

[T]he evidentiary showing required by those decisions is not as to the exculpatory nature of the informer's potential testimony but merely as to the quality of the vantage point from which the informer viewed either the commission or the immediate antecedents of the alleged crime. The noted Supreme Court cases ask in effect, "What was the informer in a position to



perceive?" If the evidence shows that the informer had a sufficiently proximate vantage point, those Supreme Court decisions simply speculate concerning the informer's potential testimony and hold that the defendant has demonstrated a reasonable possibility that the informant would give evidence which might result in the defendant's exoneration. Speculation as to such an informer's testimony is consistent with cases which discern a constitutional right in the accused to seek out the informer to inquire what he knows.

Id., at 38 Cal.App.3d 423-424, 112 Cal.Rptr. 491 (emphasis added in bold).

C. Proximate Vantage Point: Circumstances Showing Prima Facie Materiality.

Cases recognize at least four ways to show that an informant had a sufficiently close vantage point or a physical proximity to the crime, such that the informant is a prima facie material witness who could provide exculpatory evidence for the defendant.

First, if the evidence establishes that the informant was a participant in the charged crime, a prima facie showing of materiality has been made: Williams, *supra*, at 38 Cal.App.3d 420 ("Where the evidence indicates that the informer was an actual participant in the crime alleged — ipso facto it is held he would be a material witness on the issue of guilt and nondisclosure would deprive the defendant of a fair trial.") See also People v Garcia, *supra*, at 67 Cal. 2d 837, fn.7 (quoting People v. Lawrence, 149 Cal.App.2d 435, 450, 308 P.2d 821 (1957))(An informant who has participated in the criminal act "is no longer simply an informer. He is a material witness to the criminal act, in fact, he is similar to a feigned accomplice.")

Second, if the evidence establishes that the informant was an eyewitness to any of the charged crimes, a prima facie showing of materiality has been made. Williams, *supra*, at 38 Cal.App.3d 420 ("Where the evidence indicates that the informer . . . was a nonparticipating eyewitness to that offense, ipso facto it is held he would be a material witness.") Indeed, a nonparticipating eyewitness to the crime himself is a person who it is

1 reasonably possible could give exonerating testimony for a defendant. People v. Lee, 164  
2 Cal.App.3d 830, 835-837, 210 Cal.Rptr. 799, 802-803 (1985).

3 Third, if the informant was a non-participant eyewitness to the circumstances  
4 immediately preceding the crime or knows facts closely related to the crime, a prima facie  
5 case of materiality has been made. Honore v. Superior Court of Alameda County, 70  
6 Cal.2d 162, 169, 74 Cal.Rptr. 233, 237 (1969).

7 Fourth, even if the informant has not been a participant in or an eyewitness to the  
8 charged crime or to the circumstances immediately preceding it, the informant might still  
9 be a material witness if the informant has knowledge of facts relevant to any of the  
10 charged crimes. People v. Blouin, 80 Cal.App.3d 269, 145 Cal.Rptr. 701 (1978)

11 D. Defense may rely upon Prosecution's Evidence to Establish a Prima Facie  
12 Materiality.

13 In meeting the burden of proof to show prima facie materiality, the defendant "need  
14 not necessarily produce evidence at the hearing on the motion to compel disclosure, but  
15 may instead rely upon reasonable inferences from the People's evidence." People v.  
16 Alvarez, 73 Cal.App.3d 401, 406, 141 Cal.Rptr. 1 (1977); People v. Otte, 214 Cal.App.3d  
17 1522, 263 Cal Rptr 393 (1989).

18 E. Effect of Prima Facie Showing of Materiality.

19 Once the defendant has met this minimal showing, disclosure is immediately  
20 required unless the prosecution requests an in camera hearing at which the informant is  
21 required to testify under oath. People v. Gooch, 139 Cal.App.3d 342, 188 Cal.Rptr. 673  
22 (1983).

23 After the hearing, disclosure is required unless the Court concludes that there is no  
24 reasonable possibility that nondisclosure could deprive the defendant of a fair trial.  
25 People v. Viramontes, 85 Cal.App.3d 585, 590, 149 Cal.Rptr. 607 (1978); People v. Blouin,  
26 80 Cal.App.3d 269, 286, 145 Cal.Rptr. 701 (1978); Williams v. Superior Court, 38  
27 Cal.App.3d 412, 112 Cal.Rptr. 485 (1974).

1 If the informant is unavailable for the in camera hearing, dismissal is mandated.  
2 People v. Allen, 101 Cal.App.3d 285, 291, 161 Cal.Rptr. 568 (1980).

3 IV.

4 LEGAL ARGUMENT

5 A. THIS MOTION SHOULD BE GRANTED BECAUSE THERE IS A REASONABLE  
6 POSSIBILITY THAT THE INFORMANTS COULD PROVIDE EVIDENCE WHICH  
7 MIGHT EXONERATE MR. JACKSON.

8 1. The Identity of the Informant Referenced in the Neverland Probable Cause  
9 Statement Must be Disclosed.

10 Page 33 of the Neverland Probable Cause Statement (Exhibit 1) references a  
11 confidential informant, as follows:

12 "A confidential reliable agent was asked to visit the building located at 211  
13 South Beverly Boulevard, Beverly Hills. Around 11:00 a.m. on November 14,  
14 2003, that individual made contact with a female employee in the reception  
15 area of office No. 205; which was the number shown next to Mr. Miller's  
16 name on the directory inside the entrance to the building. The receptionist  
17 stated that Private Investigator Miller was no longer in that office, but had  
18 moved downstairs to office No. 108. The individual proceeded downstairs to  
19 Office No. 108 and observed the name "Bradley Miller" on the door. The  
20 door was locked."

21 (See Yu Decl., ¶ 5; Exhibit 1 thereto (emphasis added.))

22 The referenced "confidential reliable agent" is significant to the defense, not  
23 because he was asked to "visit" Miller's office, but rather because this informant could  
24 testify and provide information about: (1) what he knows about Brad Miller (who is  
25 alleged in Overt Act No. 27 of the Indictment as "an unknown co-conspirator") vis-à-vis  
26 Mr. Jackson; (2) how much he knows about Brad Miller vis-à-vis Mr. Jackson; (3) why he  
27 "visited" Brad Miller's office; (4) whether the "visit" encompassed his independent



1 investigation of Miller; and (5) Mr. Jackson's innocence and non-involvement in the  
2 alleged conspiracy with Brad Miller.

3 What makes this informant or why is he "reliable"? He must be "reliable" because  
4 he may very well be a participant, an eyewitness, a non-participant eyewitness and/or a  
5 material witness with knowledge of facts relevant to any of the charged crimes.

6 The prosecution, by way of a letter dated August 12, 2004 from Mr. Sneddon,  
7 informed the defense that Jay Jackson was the only individual given the description,  
8 "confidential reliable informant." (Yu Decl., ¶ 13; Exhibit 12 thereto.) However, at his  
9 examination on August 19, 2004, Mr. Jay Jackson denied that he was a confidential  
10 informant. (See Statement of Facts, *supra*.)

11 The disclosure of the identity of this informant and all pertinent information which  
12 might assist the defense to locate him/her (including his present whereabouts) is crucial to  
13 the defense because there is a reasonable possibility or speculation that this informant  
14 could testify and provide information which could exonerate Mr. Jackson. See Garcia,  
15 *supra*, at 67 Cal.2d at 840 ("No one knows what the undisclosed informer, if produced,  
16 might testify. He might contradict or persuasively explain away the prosecution's  
17 evidence. These cases are dealing with what little showing is necessary to be made by the  
18 defendant to be entitled to the identity of the informer. The showing is not as to what he  
19 would testify but as to what he might testify. In People v. Hunt, *supra*, at 4 Cal.3d 231,  
20 240, it is indicated that the court might 'speculate' that the informer might have  
21 information of benefit to the defendant.")

22 2. The Identity of the Informant Referenced in the Search Warrant No. 4914  
23 Probable Cause Statement Must be Disclosed.

24 Pages 4-5 of the Search Warrant No. 4914 Probable Cause Statement (Exhibit 2)  
25 references a "Confidential Reliable Informant," as follows:

26 In Detective Zelis's affidavit executed on November 17, 2003, Detective Zelis  
27 stated he was informed that a response by the Arvizo family to the public



1 outcry aroused by "Living with Michael Jackson" program was videotaped at  
2 the residence of Hamid Moslehi in West Hills (Los Angeles County).  
3 California, and that "present at the filming were Hamid, Vinnie, Brad Miller  
4 and a young male she could only identify as working for Marc Schafel, and  
5 who asked a lot of questions. The filming was done by Hamid in the living  
6 room of his house. Hamid was in charge of the filming."

7 \*\*\*\*\*

8 Your Affiant has since learned the identity of the young male who "asked a  
9 lot of questions" during the videotaped interview, and has been informed by  
10 Janet Arvizo and Gavin Arvizo and by a telephone conversation between a  
11 confidential reliable informant and that individual, tape-recorded by  
12 Sheriff's detectives with the consent of the informant, that a typewritten  
13 multipage script of questions and answers had been given the Arvizos to  
14 review, and that their responses to questions asked them in the videotaped  
15 interview had been rehearsed in advance of the taping."

16 (See Yu Decl., ¶ 6; Exhibit 2 thereto.)

17 The referenced "confidential reliable informant" allegedly corroborated, through the  
18 alleged taped telephone conversation with the "young male," Jane Doe and John Doe's  
19 alleged statement that "a typewritten multipage script of questions and answers had been  
20 given the Arvizos to review, and that their responses to questions asked them in the  
21 videotaped interview had been rehearsed in advance of the taping."

22 The use of the so-called "scripted questions" is also alleged in Overt Act number 13  
23 of the Indictment, which allegation, the prosecution imagines, supposedly represents a  
24 part of a conspiracy to abduct the Doe children and falsely imprison and extort the Doe  
25 family.

26 This informant must be disclosed because he/she may be a participant, an  
27 eyewitness, a non-participant eyewitness or a material witness with knowledge of facts

1 relevant to any of the charged crimes in general, and in the conspiratorial acts in  
2 particular. Irrespective of which of these four categories of prima facie material witnesses  
3 this informant may fall under, the pertinent fact is that there is a reasonable possibility  
4 that this informant could provide testimony or evidence that would exonerate Mr.  
5 Jackson.

6 Indeed, this informant could testify (or provide documentary evidence), among  
7 other things, that: (1) he does not know the identity of the alleged "young male" who  
8 "asked a lot of questions" during the taped interview at Moslehi's house; (2) the alleged  
9 taped telephone call with this "young male," in fact, was not someone he knew; (3) he  
10 knows nothing about the existence or content of the alleged "multipage script questions  
11 and answers"; and (4) he has no information (direct or indirect, personal or through third-  
12 party sources) that would show Mr. Jackson had any involvement (direct or indirect) in  
13 the alleged script.

14 3. The Identity of the Informant Referenced in the Search Warrant No. 4915  
15 and Probable Cause Statement Must be Disclosed.

16 Page 3 of the Search Warrant No. 4915 Probable Cause Statement (Exhibit 3)  
17 references confidential informants as "numerous witnesses" with personal knowledge, as  
18 follows:

19 During this investigation, your Affiant and other investigators have contacted  
20 numerous witnesses, who provided information based on their personal  
21 knowledge and/or documentation. This information has corroborated  
22 information derived from the victim in this investigation. Part of that  
23 information is that the victim and his immediate family, after appearing in a  
24 film broadcast entitled "Living with Michael Jackson" were obliged, through  
25 the use of threats, to remain at Neverland Ranch, away from other family  
26 members, the public and authorities. The threats included death threats  
27 reportedly made towards the victim and his family stemming from Michael

1 Jackson's televised statement in the nationally-broadcast "Living with  
2 Michael Jackson" interview wherein Jackson admitted he slept in a bed with  
3 the victim. This sequestering of the victim and his family by several of  
4 Jackson's entourage included quickly moving the family out of their  
5 apartment residence, paying off the rent due on the apartment, putting their  
6 belongings in storage, moving the family into seclusion at Neverland Ranch,  
7 obtaining passports and visas for the victim and his mother and siblings  
8 prior to a planned transport of the family to Brazil, and having them appear  
9 in another video to rebut any possible allegations that might be made against  
10 Jackson because of the "Living with Michael Jackson" broadcast. These  
11 actions were planned by close members of Jackson's entourage and paid for  
12 with funds associated with Jackson."

13 \*\*\*\*\*

14 Page 6 of this Probable Cause Statement (Exhibit 3) also references confidential  
15 informants as "credible and reliable sources," as follows:

16 Your affiant obtained background information on Fred Marc Schaffel. Your  
17 Affiant determined from credible and reliable sources that Schaffel resides  
18 at [REDACTED] Los Angeles County, California. SBSD  
19 investigators drove by this residence and obtained a description of the above  
20 location.

21 (See Yu Decl., ¶ 7; Exhibit 3 thereto.)

22 The referenced "numerous witnesses, who provided information based on their  
23 personal knowledge and/or documentation" must be disclosed because they allegedly  
24 corroborated "information derived from the victim" that "the victim and his immediate  
25 family, after appearing in a film broadcast entitled "Living with Michael Jackson" were  
26 obliged, through the use of threats, to remain at Neverland Ranch, away from other family  
27 members, the public and authorities."



1 These anonymous informants, creatively cloaked as "numerous witnesses," are  
2 prima facie material to this case. Blouin, supra, at 80 Cal.App.3d 269, 145 Cal.Rptr. 7  
3 (1978). They are material because they allegedly have "personal knowledge" and/or  
4 "documentation" concerning the alleged conspiracy to abduct the Doe children and to  
5 extort and falsely imprison the Doe family.

6 Indeed, there is a reasonable possibility that these informants could provide  
7 evidence (by way of testimony or documentary evidence), to show, among other things,  
8 that: (1) the Doe family was never forced to remain at Neverland; (2) no threats of any  
9 kind were ever made to the Doe family to force them to remain at Neverland; (3) the Doe  
10 family remained at Neverland out of their own volition and thus was free to leave at  
11 any time; (4) Mr. Jackson had nothing to do with (directly or indirectly, passively or  
12 actively) the alleged conspiratorial acts, to wit, "death threats reportedly made towards  
13 the victim and his family," "sequestering of the victim and his family by several of  
14 Jackson's entourage," "moving the family out of their apartment residence, paying off the  
15 rent due on the apartment, putting their belongings in storage, moving the family into  
16 seclusion at Neverland Ranch, obtaining passports and visas for the victim and his mother  
17 and siblings prior to a planned transport of the family to Brazil, and having them appear  
18 in another video to rebut any possible allegations that might be made against Jackson,"  
19 and "planning, and paying for funds associated with these actions."

20 Likewise, the informants referenced on page 6 as "credible and reliable sources"  
21 must equally be disclosed because their testimony could exonerate Mr. Jackson. They can  
22 testify about: (1) what they know about Marc Schaffel (who is an unindicted co-  
23 conspirator in this case) vis-à-vis Mr. Jackson; (2) how much they know about Marc  
24 Schaffel vis-à-vis Mr. Jackson; (3) what additional information (other than the address of  
25 Schaffel's residence) they possess about Marc Schaffel vis-à-vis Mr. Jackson; and (4) Mr.  
26 Jackson's innocence and non-involvement in the alleged conspiracy with Marc Schaffel, in  
27 particular, and with other named and unnamed co-conspirators, in general.



1 4. The Identity of the Informant Referenced in the Search Warrant No. 4946  
2 Probable Cause Statement Must be Disclosed.

3 Page 8 of the Search Warrant No. 4946 Probable Cause Statement (Exhibit 4)  
4 references confidential informant, as follows:

5 "SBSB investigators interviewed a Confidential Reliable Informant (CRI),  
6 who provided information pertaining to Fredric Schaffel moving items from  
7 his residence, to an unknown location. Your Affiant believes this  
8 information to be "reliable" because the individual has several occasions  
9 provided SBSB investigators with information known to investigators to be  
10 true and corroborated through other sources, but which investigators did not  
11 make known to the informant. The nature of the information provided by  
12 the CRI established he/she was closely associated with individuals involved  
13 with the "handling" of the Arvizo family and with Fredric Schaffel in  
14 particular. The CRI is not being compensated, nor being offered leniency in  
15 return for providing information. The CRI offered the information to  
16 investigators with the intent to insure justice is served. During the  
17 interviews with the CRI, he/she detailed that subsequent to SBSB  
18 investigators serving the search warrant at Neverland Ranch, Schaffel made  
19 statements to the effect that he felt law enforcement would likely search his  
20 residence. Schaffel further indicated he moved items (the CRI could not  
21 provide specific information about the nature of the items) to a location away  
22 from his residence. The CRI did not know where Schaffel moved the items  
23 to. The information provided by the CRI regarding Schaffel's belief that a  
24 search of his residence was eminent, was corroborated through by the  
25 statements of Christian Robinson. Your affiant believes the CRI's  
26 information is further corroborated by the Shurgard Storage documentation,  
27 indicating a storage unit was obtained on 11-21-03, three days after SBSB

1 investigators served the search warrant at Neverland Ranch.

2 \*\*\*\*\*

3 The CRI, also told SBSB Investigators that prior to this investigation  
4 becoming public knowledge, Fredric Schaffel maintained a number of  
5 audiotapes, which reportedly contained recordings associated with  
6 Michael JACKSON. The CRI described listening to one of the tapes and  
7 believing the content to be a recorded telephone conversation. The CRI  
8 recognized one of the recorded voices as being that of Michael JACKSON.  
9 During the search of Schaffel's residence, your affiant and the other SBSB  
10 investigators did not locate any such audiotapes. When asked if Schaffel  
11 may have destroyed the tapes, the CRI stated he felt Schaffel would not  
12 destroy the tapes. Your affiant believes these audiotapes were moved to  
13 another location, such as storage unit.

14 \*\*\*\*\*

15 Based on your affiant's training and experience, I know persons who are  
16 involved in the commission of, or attempts to cover-up crimes will  
17 oftentimes secrete evidence of the crimes in private storage facilities. This is  
18 particularly true of individuals who believe law enforcement will attempt to  
19 find and seize the evidence through the service of search warrants at their  
20 residences. Furthermore, it is common for individuals who desire to secrete  
21 evidence in storage lockers to have an acquaintance open to storage locker  
22 account under the acquaintance's name as a further means of preventing law  
23 enforcement from finding and seizing the evidence.

24 (See Yu Decl., ¶ 8; Exhibit 4 thereto.)

25 The referenced Confidential Reliable Informant must be disclosed because he is a  
26 prima facie participant and percipient witness to the alleged conspiratorial acts. This  
27 informant is alleged to have been (1) "closely associated with individuals involved with

1 the "handling" of the Arvizo family and with Fredric Schaffel in particular"(a participant);  
2 (2) witnessed "Schaffel [making] statements to the effect that he felt law enforcement  
3 would likely search his residence" (a percipient witness); (3) witnessed "Fredric Schaffel  
4 [maintaining] a number of audiotapes, which reportedly contained recordings associated  
5 with Michael JACKSON" (a percipient witness); and (4) personally "[listened] to one of the  
6 tapes and believing the content to be a recorded telephone conversation," in which one of  
7 the voices as being Mr. Jackson (a percipient witness).

8 This informant is significant because he/she could provide evidence that these  
9 alleged conspiratorial acts are false and that Mr. Jackson is completely innocent of the  
10 false and charging allegations.

11 5. The Identity of the Informant Referenced in the Search Warrant Nos. 4953  
12 and 4959 Probable Cause Statement (identical) Must be Disclosed.

13 Both search warrant Nos. 4953 (Exhibit 5) and 4959 (Exhibit 6) have the same  
14 probable cause statements. Page 4 references a confidential citizen informant, as follows:

15 ~~-----SBSD Investigators interviewed a Confidential Citizen Informant (CCI#1);-----~~  
16 who provided information pertaining to Frederic Schaffel and Michael  
17 JACKSON making travel arrangements through a travel agency called Air  
18 Apparent, Inc. Your affiant believes the information provided by the CCI#1  
19 to be reliable, as the CCI#1 has in the past, provided information to  
20 investigators, which at the time was known to be true (corroborated through  
21 other sources of information), or which was later corroborated through  
22 evidence and/or statements of other individuals. In particular, the CCI#1  
23 has provided information to investigators pertaining to various travel  
24 arrangements involving Michael JACKSON and Fredric SCHAFFEL.  
25 (See Yu Decl., ¶ 9; Exhibit 5 (SW No. 4953) and Exhibit 6 (SW No. 4959).

26 The referenced confidential citizen informant must be disclosed because he/she is a  
27 prima facie material eyewitness to (and may even be a participant involving) the allegation



1 that "Frederic Schaffel and Michael JACKSON [made] travel arrangements through a  
2 travel agency called Air Apparent, Inc." He/she allegedly has provided information to  
3 investigators pertaining to various "travel arrangements involving Michael JACKSON and  
4 Fredric SCHAFFEL."

5 This informant is crucial to the defense because he/she could rebut the conspiracy  
6 allegations, which do not in any way involve Mr. Jackson

7 6. The Identity of the Informant Referenced in the Search Warrant Nos. 5006,  
8 5007 and 5008 Probable Cause Statement (identical) Must be Disclosed.

9 Search Warrant Nos. 5006 (Exhibit 7), 5007 (Exhibit 8) and 5008 (Exhibit 9) have  
10 the same probable cause statement. Page 5 references a confidential reliable informant, as  
11 follows:

12 One of the means utilized by the conspirators to isolate the Arvizo family  
13 was the relocation from their apartment in East Los Angeles. This included  
14 moving the family to Michael JACKSON's Neverland Valley Ranch, removing  
15 and storing the Arvizo's possessions and paying off monies owed to the  
16 Arvizo's landlord in East Los Angeles. The Arvizo's possessions were then  
17 withheld from the Arvizo's and moved to a secret (not disclosed to the  
18 family) storage locker, which was rented by Bradley Miller and Asaf  
19 Vilchick. Vincent Amen told Janet Arvizo that he paid off the monies owed  
20 to the landlord as the outstanding debt was a means by which people could  
21 later track down the Arvizo family. A confidential reliable informant  
22 provided information to SBSO investigators, indicating Bradley Miller was  
23 responsible for disbursing the monies used to pay off the landlord and did so  
24 at the direction of Mark Geragos. When the Arvizo's finally recovered their  
25 possessions (after retaining the services of a lawyer), they determined  
26 incriminating letters written by Michael JACKSON to the victim were stolen.



1 (See Yu Decl., ¶ 10; Exhibit 7 (SW No. 5006), Exhibit 8 (SW No. 5007) and Exhibit 9 (SW  
2 No. 5008).

3 The referenced confidential reliable informant is material and thus must be  
4 disclosed because he/she could testify that Mr. Jackson had no involvement whatsoever in  
5 the alleged disbursements of funds to pay off the landlord by Mark Geragos's investigator,  
6 Brad Miller, that the alleged "incriminating letters written by Michael JACKSON to the  
7 victim" do not even exist and that he never "determined" that such letters were "stolen."

8 This informant is crucial to the defense because his/her testimony could exonerate  
9 Mr. Jackson, in that he/she could deny the false and charging allegations and provide  
10 exculpatory evidence.

11 7. The Identity of the Informants Referenced in the Search Warrant No. 5135  
12 Probable Cause Statement Must be Disclosed.

13 Page 4 of the Search Warrant No. 5135 Probable Cause Statement (Exhibit 10)  
14 references three different types of confidential informants.

15 First, the second paragraph of page 4 references confidential informants as  
16 "numerous witnesses" with personal knowledge, as follows:

17 "During this investigation, your Affiant and other investigators contacted  
18 numerous witnesses, who provided information based on their personal  
19 knowledge and/or documentation. This information has corroborated  
20 information derived from the victim in this investigation. Part of that  
21 information is that the victim and his immediate family, after appearing in a  
22 film broadcast entitled "Living with Michael Jackson," were obliged through  
23 the use of threats, to remain at Neverland Ranch, away from other family  
24 members, the public and authorities. The threats included death threats  
25 reportedly made by unknown persons toward the victim and his family  
26 stemming from Michael Jackson's televised statement in the nationally-

1 broadcast "Living with Michael Jackson" interview in which Jackson  
2 admitted he slept in a bed with the victim. This sequestering of the victim  
3 and his family by several of Jackson's entourage included quickly moving the  
4 family out of their apartment residence, paying off the rent due on the  
5 apartment, putting their belongings in storage, moving the family into  
6 seclusion at Neverland Ranch, obtaining passports and visas for the victim  
7 and his mother and siblings prior to a planned transport of the family to  
8 Brazil, and having them appear in another video created to rebut any  
9 possible allegations that might be made against Jackson because of the  
10 "Living with Michael Jackson" broadcast. These actions were planned and/or  
11 carried out by close members of Jackson's entourage and paid for with funds  
12 associated with Jackson."

13 facts.com mjfacts.com \*\*\*\*\* mjfacts.com  
14 Second, the third paragraph references confidential informants as "information  
15 from various sources;" as follows:

16 "Throughout this investigation, SBSO investigators received information  
17 from various sources, indicating Evelyn Tavasci was Michael JACKSON's  
18 personal assistant. Furthermore, Tavasci was responsible for the day to day  
19 operations of MJJ Productions. MJJ Productions is Michael JACKSON's  
20 personal company and is used to coordinate and execute many of  
21 JACKSON's personal and business activities. Of note the sources of this  
22 information include (but are not limited to) Jesus Salas, the ex-house  
23 manager at Neverland Ranch and Christopher Carter, the ex personal  
24 facts.com bodyguard for Michael JACKSON." mjfacts.com

25 \*\*\*\*\*

26 Third, the fifth paragraph references a "Confidential Reliable Informant" as follows:

1 "During the investigation, SBSO investigators received information from a  
2 Confidential Reliable Informant (CRI), who stated Michael JACKSON told  
3 the CRI that he [JACKSON] wanted to be like the "fog," in that JACKSON did  
4 not want people to be able to track his activities and whereabouts. In order  
5 to accomplish this, JACKSON did not utilize credit accounts or telephones,  
6 which were associated with JACKSON. Rather, JACKSON used credit cards  
7 and telephones connected with his associates and JACKSON registered at  
8 hotels under assumed names. SBSO investigators have corroborated this  
9 information through hotel records and the statement of JACKSON's  
10 bodyguards. It should be noted this CRI provided information to SBSO  
11 investigators on prior occasions. On these prior occasions, the information  
12 provided by the CRI was found to be true, through evidence and/or  
13 statements of other witnesses."

14 The referenced "numerous witnesses" "who provided information based on their  
15 personal knowledge and/or documentation" are significant and thus must be disclosed.  
16 These informants are crucial to the defense because they allegedly corroborated  
17 "information derived from the victim" that "the victim and his immediate family, after  
18 appearing in a film broadcast entitled 'Living with Michael Jackson' were obliged, through  
19 the use of threats, to remain at Neverland Ranch, away from other family members, the  
20 public and authorities."

21 Conveniently cloaked as "numerous witnesses," these informants are prima facie  
22 material to this case because they allegedly have "personal knowledge" and/or  
23 "documentation" concerning the alleged conspiracy to abduct the Doe children and to  
24 extort and falsely imprison the Doe family. Blouin, *supra*, 80 Cal.App.3d 269, 145  
25 Cal.Rptr. 7 (1978).

26 Indeed, there is a reasonable possibility that these informants could provide  
27  
28



1 information (by way of testimony or documentary evidence), to show, among other things,  
2 that: (1) the Doe family was never forced to remain at Neverland; (2) no threats of any  
3 kind were ever made to the Doe family to force them to remain at Neverland; (3) the Doe  
4 family remained at Neverland out of their own volition and thus was free to leave at  
5 any time; and (4) Mr. Jackson had nothing to do with (directly or indirectly, passively or  
6 actively) the alleged conspiratorial acts, *to wit*, "death threats reportedly made towards  
7 the victim and his family," "sequestering of the victim and his family by several of  
8 Jackson's entourage," "moving the family out of their apartment residence, paying off the  
9 rent due on the apartment, putting their belongings in storage, moving the family into  
10 seclusion at Neverland Ranch, obtaining passports and visas for the victim and his mother  
11 and siblings prior to a planned transport of the family to Brazil, and having them appear  
12 in another video to rebut any possible allegations that might be made against Jackson,"  
13 and "planning, and paying for funds associated with these actions."

14 Similarly, the informants referenced in the third paragraph as "information from  
15 various sources" must also be disclosed because their testimony could exonerate Mr.  
16 Jackson. The indictment accuses Mr. Jackson of having conspired with charged and  
17 uncharged, as well as known and unknown, co-conspirators. This particular paragraph  
18 insinuates that Evelyn Tavasci was a co-conspirator and that she was involved in the  
19 alleged conspiracy to abduct, extort, and falsely imprison the Doe Family. Jesus Salas and  
20 Christopher Carter, Mr. Jackson's former employees, are mentioned in this paragraph as  
21 two of the "various sources."

22 Disclosure of the informants wearing the veil of "various sources" is mandatory  
23 because there is a reasonable possibility that these informants could rebut such  
24 conspiracy allegations, which do not in any way involve Mr. Jackson.

25 Finally, the "confidential reliable informant" referenced in the fifth paragraph  
26 must be disclosed because he/she may be a participant, an eyewitness, a non-participant



1 eyewitness or a material witness with knowledge of facts relevant to any of the charged  
2 crimes in general, and in the conspiratorial acts in particular.

3 This paragraph insinuates that Mr. Jackson, as part of his broad conspiratorial  
4 scheme to abduct, extort and falsely imprison the Doe family, wanted to remain like a  
5 "fog" and thus utilized the names of his associates for telephone credit card accounts.

6 There is a reasonable possibility that this confidential reliable informant could  
7 testify (or provide documentary evidence) concerning, among other things: (1) what and  
8 how he/she knows (if any) about Mr. Jackson's alleged desire to be like a "fog"; (2) what  
9 and how he/she knows about Mr. Jackson's alleged use of credit cards and phones through  
10 others' names; (3) what and how he/she knows about Mr. Jackson and Mr. Jackson's day-  
11 to-day affairs; (4) what information (other than the "fog" reference) he/she possesses about  
12 Mr. Jackson; (5) what information he/she has about Mr. Jackson vis-à-vis the Doe Family;  
13 and (6) Mr. Jackson's innocence and non-involvement in the alleged conspiracy to abduct,  
14 extort and falsely imprison the Doe family.

15 B. THIS MOTION SHOULD BE GRANTED BECAUSE A NONDISCLOSURE WILL  
16 DEPRIVE MR. JACKSON OF HIS CONSTITUTIONAL RIGHT TO DUE PROCESS  
17 AND FAIR TRIAL

18 Price v. Superior Court, 1 Cal.3d 836, 842, Cal.Rptr. 369 (1970), established that a  
19 defendant is denied due process of law and a fair trial under the state and federal  
20 constitutions when the State refuses to disclose the identity of an informant upon a  
21 showing of a reasonable possibility that the informant possesses information which could  
22 result in the Defendant's exoneration. This rule was reiterated in People v. Hobbs, 7  
23 Cal.4th 948, 959, 30 Cal.Rptr. 651, 656 (1994). There, the California Supreme Court  
24 stated:

25 "When it appears from the evidence, however, that the informer is also a  
26 material witness on the issue of guilt, his identity is relevant and may be

1 helpful to the defendant. Non-disclosure would deprive him of a fair trial.  
2 Thus, when it appears from the evidence that the informer is a material  
3 witness on the issue of guilt and the accused seeks disclosure or cross-  
4 examination, the People must either disclose his identity or incur a  
5 dismissal."

6 The referenced informants in this case are prima facie material witnesses on the  
7 issue of Mr. Jackson's innocence to the charged crimes, particularly the conspiratorial acts.  
8 This motion must be granted.

9  
10 V.

11 CONCLUSION

12 For all of the foregoing reasons, this motion should be granted.

13 DATED: October 4, 2004 Respectfully submitted,

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

17 Steve Cochran  
18 Stacey McGee Knight  
KATTEN MUCHIN ZAVIS ROSENMAN

19 Robert M. Sanger  
20 SANGER & SWYSEN

21 Brian Oxman  
OXMAN & JAROSCAK

22  
23 By: 

24 Susan C. Yu  
Attorneys for Mr. MICHAEL J. JACKSON

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2 I, Susan C. Yui, declare as follows:

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

2. The indictment alleges ten counts against Mr. Jackson: one count of conspiracy to commit false imprisonment, child abduction and extortion (Count 1); four counts of lewd conduct upon a child (Counts 2, 3, 4 and 5); one count of attempt to commit a lewd act upon a child (Count 6); and four counts of administering alcohol to a minor to assist in commission of a felony (Counts 7, 8, 9 and 10).

3. The indictment further alleges a conspiracy among Mr. Jackson, five named but unindicted individuals, and other "uncharged" and "unknown" alleged co-conspirators to commit child abduction, false imprisonment and extortion. Twenty-eight overt acts in furtherance of this imaginary conspiracy are alleged.

4. Mr. Jackson has pled not guilty to all counts. He vehemently denies the false allegations planted in the indictment and maintains his complete innocence.

19 5. Attached hereto as Exhibit 1 is a true and correct copy of the relevant page  
20 (i.e., page 33) of the Noverland, Moslehi, Miller Search Warrant Probable Cause Statement.  
21 which I believe was submitted to Judge Adams on or about November 17, 2003. Page 33  
22 references a *Confidential Reliable Agent*.

23 6. Attached hereto as Exhibit 2 is a true and correct copy of the relevant pages  
24 (i.e., pages 4-5) of the Search Warrant No. 4914 Probable Cause Statement, dated February  
25 2, 2004. Page 5 references a *Confidential Reliable Informant*.

26 | 7. Attached hereto as Exhibit 3 is a true and correct copy of the relevant pages

1 (i.e., pages 3 and 6) of the Search Warrant No. 4915 Probable Cause Statement, dated  
2 February 2, 2004. Page 3 references "Numerous Witnesses, who provided information  
3 based on their personal knowledge and/or documentation." Page 6 references "credible and  
4 reliable sources."

5 8. Attached hereto as Exhibit 4 is a true and correct copy of the relevant pages  
6 (i.e., pages 8 and 9) of the Search Warrant No. 4946 Probable Cause Statement, dated  
7 March 2, 2004. Pages 8 and 9 reference *Confidential Reliable Informant*.

8 9. Attached hereto as Exhibit 5 and Exhibit 6 is a true and correct copy of the  
9 relevant page (i.e., page 4) of the same Probable Cause Statement for Search Warrant Nos.  
10 4953 and 4959, dated March 4, 2004. Page 4 references *Confidential Citizen Informant*.

11 10. Attached hereto as Exhibit 7, Exhibit 8 and Exhibit 9 is a true and correct  
12 copy of the relevant page (i.e., page 5) of the same Probable Cause Statement for Search  
13 Warrant Nos. 5006, 5007 and 5008, all dated March 4, 2004. Page 5 references  
14 *Confidential Reliable Informant*.

15 11. Attached hereto as Exhibit 10 is a true and correct copy of the relevant page  
16 (i.e., page 4) of the Search Warrant No. 5135 Probable Cause Statement, dated September  
17 7, 2004. The second paragraph of page 4 references "numerous witnesses, who provided  
18 information based on their personal knowledge and/or documentation." The third  
19 paragraph references "information from various sources." The fourth paragraph references  
20 a *Confidential Reliable Informant*.

21 12. Attached hereto as Exhibit 11 is a true and correct copy of an informal  
22 discovery letter dated July 22, 2004 from Mr. Mesereau to Mr. Sneddon requesting, among  
23 other things, disclosure of Informants who qualify as reliable.

24 13. Attached hereto as Exhibit 12 is a true and correct copy of a letter dated  
25 August 12, 2004 from Mr. Sneddon to Mr. Mesereau, stating that there was only one  
26 individual given the description "confidential reliable informant" and that such informant  
27 was Jay Jackson.



1 I declare under penalty of perjury under the laws of the State of California that the  
2 foregoing is true and correct and that this declaration was executed on this 4<sup>th</sup> day of  
3 October 2004, at Los Angeles, California.

4   
5 SUSAN C. YU

conversation with Sgt. Robel that they met Sgt. Robel and Lt. Jeff Klapakis at a nearby 7-Eleven Store.

Sgt. Robel told your Affiant that he obtained the paperwork given to Jay Jackson by Dino's earlier that morning. Your Affiant has reviewed this paperwork. It reflects that the storage unit was rented on March 1, 2003. The address on the billing statement was "Brad Miller, 211 South Beverly Drive, Beverly Hills, California 90212." Another document, which appears to be the storage rental agreement, also reflects "Brad Miller" as the renter, but with a different address. "CK# 477" is handwritten on that document. It is dated "3-1-03" at the top. A third document, entitled "Non-Negotiable Warehouse Receipt and Contract," with "Warehouse Receipt No. 439" printed in the upper right-hand corner, reflects that the items that were placed in storage were received on the account of "Brad Miller, 211 S. Beverly Drive. B.H. 90212 #108."

On October 30, 2003, your Affiant requested a Department of Motor Vehicles records for "Brad Miller." The returned record, with photograph, reflects a Brad Greg Miller with an address of [REDACTED] California 90067.

A confidential reliable agent was asked to visit the building located at 211 South Beverly Boulevard, Beverly Hills. Around 11:00 a.m. on November 14, 2003, that individual made contact with a female employee in the reception area of office No. 205, which was the number shown next to Mr. Miller's name on the directory inside the entrance to the building. The receptionist stated that Private Investigator Miller was no longer in that office, but had moved downstairs to office No. 108. The individual proceeded downstairs to Office No. 108 and observed the name "Bradley Miller" on the door. The door was locked.

Records of the California Bureau of Security and Investigative Services reflect that Bradley Greg Miller of Beverly Hills is currently licensed as a private investigator (License No. 17530.)

1 material describing the operation of any computer systems, computer  
2 networks, computer hardware, software, and/or computer peripherals  
3 found at the premises, including instructions on how to access disks, files,  
4 or other material stored within same, including but not limited to computer  
5 manuals, printouts, passwords, file name lists, "readme" and/or "help  
6 files."  
7

8 The warrant for the search of Hamid Moslehi's residence in West Hills authorized  
9 seizure of computer systems, networks, hardware, PDAs and software as described  
10 above and, in addition, for

11 Letters, invoices, bills or other documents reflecting a relationship  
12 between Hamid Moslehi and/or "I Film, Inc." and Michael Jackson,  
13 Neverland Ranch, MJJ Productions, Brad Miller or other individuals or  
14 entities shown on the face of a given document to be associated with  
15 Michael Jackson or MJJ Productions for production of a film or videotape  
16 on February 20, 2003.

17  
18 A large number of books, magazines and videotapes whose contents come within  
19 Penal Code section 311.4(d)'s definition of "sexual conduct" were located and seized in  
20 the search of Neverland Ranch.

21  
22 In view of the many sexually explicit videotapes, books and magazines seized in the  
23 search of Neverland Ranch on November 18, 2003, and in view of the statements of  
24 the Arvizo children that Internet websites containing pornographic photographs were  
25 accessed on one or more of Michael Jackson's computers while the children were in his  
26 bedroom at Neverland Ranch, your Affiant believes there is reasonable cause to  
27 believe that the hard drives of computers seized from Neverland Ranch may contain  
28 pornography and websites for such material "saved" and copied onto them by Michael  
29 Jackson.

30  
31 In Detective Zells's affidavit executed on November 17, 2003, Detective Zells stated he  
32 was informed that a response by the Arvizo family to the public outcry aroused by

1 "Living with Michael Jackson" program was videotaped at the residence of Hamid  
2 Moslehi in West Hills (Los Angeles County), California, and that "present at the filming  
3 were Hamid, Vinnie, Brad Miller and a young male she could only identify as working for  
4 Marc Schafel, and who asked a lot of questions. The filming was done by Hamid in the  
5 living room of his house. Hamid was in charge of the filming."  
6

7 Your Affiant has since learned the identity of the young male who "asked a lot of  
8 questions" during the videotaped interview, and has been informed by Janet Arvizo and  
9 Gavin Arvizo and by a telephone conversation between a confidential reliable informant  
10 and that individual, tape-recorded by Sheriff's detectives with the consent of the  
11 informant, that a typewritten multipage script of questions and answers had been given  
12 the Arvizos to review, and that their responses to questions asked them in the  
13 videotaped interview had been rehearsed in advance of the taping.  
14

15 Your Affiant believes that the "script" may have been prepared on one of the computers  
16 whose hard drives were seized at Neverland Ranch and at Hamid Moslehi's residence  
17 and may have been "saved" on that computer's hard drive.  
18

19 "Mirror image" copies of the hard drives from computers seized at Neverland Ranch  
20 were made and the originals were returned to Mr. Jackson's lawyer.  
21

22 Your Affiant is informed by Sheriff's Detective John McCammon that accessing the  
23 copied hard drives to twelve of the Apple Macintosh computers (Items 308, 329, 336,  
24 342, 346, 347, 644, 645, 908, 910, 911 and 912 on the Santa Barbara Sheriff's  
25 Property Form in Sheriff's Case No. 03-5670) present special technical problems  
26 beyond the ability of the Santa Barbara Sheriff's deputy/technicians to solve with  
27 confidence that the information contained thereon will not be destroyed in the process.  
28 The FBI employs computer technicians who are able to access these particular hard  
29 drives without damaging their contents, and it has expressed its willingness to assist the  
30 Santa Barbara Sheriff's Department in that connection. The FBI has pointed out that its  
31 technicians are not California peace officers and concerned that examination of the  
hard drives by those technicians, if not specifically authorized by a magistrate, might



search of Neverland Ranch and two other locations that was executed on November 18, 2003. Your Affiant incorporates Detective Zells's declaration in this declaration by this reference.

During this investigation, your Affiant and other investigators have contacted numerous witnesses, who provided information based on their personal knowledge and/or documentation. This information has corroborated information derived from the victim in this investigation. Part of that information is that the victim and his immediate family, after appearing in a film broadcast entitled "Living with Michael Jackson" were obliged, through the use of threats, to remain at Neverland Ranch, away from other family members, the public and authorities. The threats included death threats reportedly made towards the victim and his family stemming from Michael Jackson's televised statement in the nationally-broadcast "Living with Michael Jackson" interview wherein Jackson admitted he slept in a bed with the victim. This sequestering of the victim and his family by several of Jackson's entourage included quickly moving the family out of their apartment residence, paying off the rent due on the apartment, putting their belongings in storage, moving the family into seclusion at Neverland Ranch, obtaining passports and visas for the victim and his mother and siblings prior to a planned transport of the family to Brazil, and having them appear in another video to rebut any possible allegations that might be made against Jackson because of the "Living with Michael Jackson" broadcast. These actions were planned by close members of Jackson's entourage and paid for with funds associated with Jackson.

On Friday, 1-29-03, SBSO detectives contacted Christian Robinson at his residence at [REDACTED] (Los Angeles County). SBSO detectives served the search warrant signed by the Honorable Rodney Melville, which was obtained on the same date. During the service of the search warrant, your Affiant and Sgt. Robel interviewed Christian Robinson with regard to his knowledge of events pertinent to our investigation. During the interview, Robinson related information which corroborated details learned earlier in our investigation.

Exhibit 3

be recovered. Furthermore, this fact is not commonly known by end users of computers and few people utilize the measures necessary to ensure the files and their content can not be recovered from the computer's hard drive after it is deleted. Your Affiant therefore believes that if the hard drives of the several computers in Marc Schaffel's residence are seized and appropriate forensic techniques are employed in examining their contents, deleted documents and files containing information concerning Marc Schaffel's participation with Michael Jackson and others in imprisoning or sequestering the Arvizo family and the production of the "rebuttal" video at Hamid Moslehi's residence on February 20, 2003 may be recovered.

In summary; your Affiant believes Sheriff's detectives will recover evidence pertaining to this investigation as result of a service of a search warrant at his residence. This is based on the following:

1. Throughout the investigation, SBSD investigators received information via the statements of various witnesses, to establish Fred Marc Schaffel was directly involved with the preparation and production of the "rebuttal" to the Martin Bashir film. Furthermore, Schaffel was directly involved in the attempt to obtain passports for the victim's family.
2. SBSD investigators also learned that Schaffel converses with his associates via computer email, and that Schaffel has discussed matters relevant to this investigation in some of his e-mail correspondence.

Your affiant obtained background information on Fred Marc Schaffel. Your Affiant determined from credible and reliable sources that Schaffel resides at [REDACTED] Los Angeles County, California. SBSD investigators drove by this residence and obtained a description of the above location.

Your Affiant believes that some of the documents may be contained in computer hard drives, and your Affiant therefore seeks authority to seize the computer equipment described below for search of its hard drives:

Ranch, on 11-18-2003. Schaffel told Robinson he felt investigators would likely search both Schaffel's residence and Robinson's residence. Schaffel provided Robinson with a number of documents and asked Robinson to place the items into a bank safe deposit box, which Schaffel wanted Robinson to open under Robinson's name. Robinson opened the safe deposit box at Robinson's bank in Los Angeles. This point further establishes Schaffel's history of using other individuals to store items belonging to Schaffel.

Christian Robinson, also told me that he did not believe Schaffel fully trusted anyone Schaffel did business with. Robinson believed Schaffel withheld information from his employees and at times may have provided his employees with disinformation. Robinson went on to tell me that Schaffel was primarily interested in furthering his own situation, regardless of how his decisions and actions affect other people.

SBSD investigators interviewed a Confidential Reliable Informant (CRI), who provided information pertaining to Fredric Schaffel moving items from his residence, to an unknown location. Your Affiant believes this informant to be "reliable" because the individual has on several occasions provided SBSB investigators with information known to investigators to be true and corroborated through other sources, but which investigators did not make known to the informant. The nature of the information provided by the CRI established he/she was closely associated with individuals involved with the "handling" of the Arvizo family and with Fredric Schaffel in particular. The CRI is not being compensated, nor being offered leniency in return for providing information. The CRI offered the information to investigators with the intent to insure justice is served. During interviews with the CRI, he/she detailed that subsequent to SBSB investigators serving the search warrant at Neverland Ranch, Schaffel made statements to the effect that he felt law enforcement would likely search his residence. Schaffel further indicated he moved items (the CRI could not provide specific information about the nature of the items) to a location away from his residence. The CRI did not know where Schaffel moved the items to. The information provided by the CRI regarding Schaffel's belief that a search of his residence was eminent, was corroborated through by the statements of Christian Robinson. Your affiant believes the CRI's information is further corroborated by the Shurgard Storage documentation.



Indicating a storage unit was obtained on 11-21-03, three days after SBSO investigators served the search warrant at Neverland Ranch.

The CRI, also told SBSO Investigators that prior to this investigation becoming public knowledge, Fredric Schaffel maintained a number of audiotapes, which reportedly contained recordings associated with Michael JACKSON. The CRI described listening to one of the tapes and believing the content to be a recorded telephone conversation. The CRI recognized one of the recorded voices as being that of Michael JACKSON. During the search of Schaffel's residence, your affiant and the other SBSO investigators did not locate any such audiotapes. When asked if Schaffel may have destroyed the tapes, the CRI stated he felt Schaffel would not destroy the tapes. Your affiant believes these audiotapes were moved to another location, such as a storage unit.

Based on your affiant's training and experience, I know persons who are involved in the commission of, or attempts to cover-up crimes will oftentimes secrete evidence of the crimes in private storage facilities. This is particularly true of individuals who believe law enforcement will attempt to find and seize the evidence through the service of search warrants at their residences. Furthermore, it is common for individuals who desire to secret evidence in storage lockers to have an acquaintance open to storage locker account under the acquaintance's name as a further means of preventing law enforcement from finding and seizing the evidence.

During the service of the search warrant at Schaffel's residence, SBSO Investigators located and seized documentation, both written and video media. It is your affiant's belief additional written and video documentation is possessed by Fredric Schaffel, but is being stored in a location other than his residence. Your affiant bases this belief on the following. First, the video documentation seized from Schaffel's residence was primarily edited content and likely maintained for the purpose of releasing information, which tended to shed a positive light on Michael JACKSON. Second, your affiant believes Schaffel may possess documentation, which Schaffel is keeping with the intent to protect himself from becoming a "scapegoat," as part of JACKSON's defense. Third, Schaffel made statements to two individuals, Christian Robinson and our CRI, indicating Schaffel believed law enforcement was going to search his residence and he wanted to remove items from his residence to prevent law enforcement from taking the



Investigators located and seized a number of documents and items, which are relevant to our investigation. Of note, we located documentation, which indicated Fredric 'Marc' Schaffel was involved with the efforts to sequester the Arvizo family. Specifically, Schaffel paid monies to people associated with the efforts to sequester the family, including Frank "Tyson" Cascio and Vincent "Vinnie" Amen. The dates upon which the disbursement of monies occurred, coincided with the time the Arvizo family was sequestered. I also found documentation indicating Schaffel was involved in the attempts to send the Arvizo family to Brazil. Investigators located computer storage media, which contained Quicken (financial tracking computer software) files. The Quicken files pertained to an "account", wherein Schaffel tracked expenses associated with the Arvizo family. Of particular interest were entries indicating Schaffel spent money to obtain passports and visas for the Arvizo family, Vincent Amen and Frank 'Tyson' Cascio.

SBSD investigators interviewed a Confidential Citizen Informant (CCI#1), who provided information pertaining to Fredric Schaffel and Michael JACKSON making travel arrangements through a travel agency called Air Apparent Inc. You affiant believes the information provided by the CCI#1 to be reliable, as the CCI#1 has in the past, provided information to investigators, which at the time was known to be true (corroborated through other sources of information), or which was later corroborated through evidence and/ or statements of other individuals. In particular, the CCI#1 has provided information to investigators pertaining to various travel arrangements involving Michael JACKSON and Fredric SCHAFFEL.

Of particular note, CCI#1 told investigators that Fredric Schaffel primarily used Air Apparent Inc., travel agency to make his commercial travel arrangements. CCI#1 also knows Michael JACKSON's personal assistant, Evie Tavasci, makes commercial travel arrangements for JACKSON and JACKSON's people through Air Apparent Inc. In particular, CCI#1 indicated he/she was aware that Schaffel often used United Airlines for commercial travel, including trips to and from Brazil. CCI#1 stated Air Apparent maintains records, which would establish Michael Jackson, or members of his entourage, including Schaffel made arrangements to remove the Arvizo family to Brazil. The records could include travel itineraries, invoices, flight information, copies of tickets or voided tickets, hotel information and client profiles. CCI#1 further believed Evie Tavasci utilized Air Apparent Inc., to make commercial travel arrangements for Michael JACKSON and JACKSON's entourage. CCI#1 stated Air Apparent Inc., would also maintain records pertaining to any travel arrangements made by Evie Tavasci,

Exhibits 5 & 6  
CP. 4 Same Prob Cause  
Statement)

were obliged, through the use of threats, to remain at Neverland Ranch, away from other family members, the public and authorities. The threats included death threats reportedly made by unknown persons toward the victim and his family stemming from Michael Jackson's televised statement in the nationally-broadcast "Living with Michael Jackson" interview in which Jackson admitted he slept in a bed with the victim. This sequestering of the victim and his family by several of Jackson's entourage included quickly moving the family out of their apartment residence, paying off the rent due on the apartment, putting their belongings in storage; moving the family into seclusion at Neverland Ranch, obtaining passports and visas for the victim and his mother and siblings prior to a planned transport of the family to Brazil, and having them appear in another video created to rebut any possible allegations that might be made against Jackson because of the "Living with Michael Jackson" broadcast. These actions were planned and/or carried out by close members of Jackson's entourage and paid for with funds associated with Jackson. These overt acts, in conjunction with other related activities, form the basis for the conspiracy allegations.

Moreover, during the investigation SBSO investigators learned Fredric "Marc" Schaffel was involved in the attempts to sequester the victim and the victim's family against their will. The victim's mother, Janet Arvizo told investigators that Michael JACKSON's people paid to purchase passports for the Arvizo family, so they could be sent to Brazil. Janet also stated that members of JACKSON's entourage, including Frank "Tyson" Custio and Vincent "Vinnie" Amen (Black) were involved in shuttling the Arvizo family around and facilitating getting the Arvizo family out of the country. Janet Arvizo specifically identified Dieter Wiesner and Ronald Kowitz as being involved in the decision making process with regard to the handling of the Arvizo family.

One of the means utilized by the conspirators to isolate the Arvizo family was the relocation from their apartment in East Los Angeles. This included moving the family to Michael JACKSON's Neverland Valley Ranch, removing and storing the Arvizo's possessions and paying off monies owed to the Arvizo's landlord in East Los Angeles. The Arvizo's possessions were then withheld from the Arvizo's and moved to a secret (not disclosed to the family) storage locker, which was rented by Bradley Miller and Asaf Vilchick. Vincent Amen told Janet Arvizo that he paid off the monies owed to the landlord as the outstanding debt was a means by which people could later track down the Arvizo family. A confidential reliable informant provided information to SBSO investigators, indicating Bradley Miller was responsible for disbursing the monies used to pay off the landlord and did so at the direction of Mark Geragos. When the Arvizo's finally recovered their possessions (after retaining the services of a lawyer), they determined incriminating letters written by Michael JACKSON to the victim were stolen.

SBSO investigators learned Christian Robinson assisted Fredric Schaffel in the attempt to prepare for and film a rebuttal video subsequent to the airing of the Martin Bashir "Living with Michael Jackson" film. Robinson helped Schaffel construct a list of questions to ask the Arvizo Family. Robinson conducted the filmed interview with the Arvizo Family. During an interview with SBSO investigators, Robinson admitted Schaffel provided Robinson with documents, which Schaffel did not want law enforcement to seize during the service of a search warrant. Schaffel directed Robinson to open a bank safe deposit box and place the documents in the safe deposit box. Robinson obtained a bank safe deposit box under his name and stored Schaffel's documents within. Robinson claimed the documents given to him by Schaffel were financial in nature and Schaffel told Robinson they were needed for tax purposes. It should be noted that during the service of a search warrant at Schaffel's residence, SBSO investigators located numerous financial and tax related documentation. What investigators noticed was a lack of financial documentation pertaining to the February 2003 period of time. SBSO investigative personnel advised Robinson not to remove or tamper with the paperwork in the safe deposit box. The morning after telling investigators of this safe deposit box, Robinson removed the documents from the bank and provided them to a representative of Fredric Schaffel. During the search of Schaffel's residence, SBSO investigators also located a piece of paper with Robinson's name and telephone number written on it.

Warrant page 5

Exhibits 7, 8 & 9

CP. 5 Same Prob Cause  
Statement)



above mentioned warrants. Your affiant either personally authored, assisted in the authoring of, or read each of the statements of probable cause for the subsequent warrants. Your affiant wishes to incorporate the information contained within the probable cause statements for these earlier warrants into this current statement of probable cause by this reference.

During this investigation, your Affiant and other investigators contacted numerous witnesses, who provided information based on their personal knowledge and/or documentation. This information has corroborated information derived from the victim in this investigation. Part of that information is that the victim and his immediate family, after appearing in a film broadcast entitled "Living with Michael Jackson," were obliged, through the use of threats, to remain at Neverland Ranch, away from other family members, the public and authorities. The threats included death threats reportedly made by unknown persons toward the victim and his family stemming from Michael Jackson's televised statement in the nationally-broadcast "Living with Michael Jackson" interview in which Jackson admitted he slept in a bed with the victim. This sequestering of the victim and his family by several of Jackson's entourage included quickly moving the family out of their apartment residence, paying off the rent due on the apartment, putting their belongings in storage, moving the family into seclusion at Neverland Ranch, obtaining passports and visas for the victim and his mother and siblings prior to a planned transport of the family to Brazil, and having them appear in another video created to rebut any possible allegations that might be made against Jackson because of the "Living with Michael Jackson" broadcast. These actions were planned and/or carried out by close members of Jackson's entourage and paid for with funds associated with Jackson.

#### New Information:

Throughout this investigation, SBSO investigators received information from various sources, indicating Evelyn Tavasci was Michael JACKSON's personal assistant. Furthermore, Tavasci was responsible for the day to day operations of MJJ Productions. MJJ Productions is Michael JACKSON's personal company and is used to coordinate and execute many of JACKSON's personal and business activities. Of note the sources of this information include (but are not limited to) Jesus Salas, the ex-house manager at Neverland Ranch and Christopher Carter, the ex personal bodyguard for Michael JACKSON.

During the service of the search warrant at Neverland Ranch on 11-18-2003, SBSO investigators located evidence indicating Evelyn Tavasci received mail on behalf of JACKSON and subsequently forwarded the mail to JACKSON. SBSO investigators made subsequent attempts to contact Tavasci at her residence and discuss her involvement with Michael JACKSON and his close associates. Tavasci refused to speak with, or otherwise cooperate with SBSO investigators.

During this investigation, SBSO investigators received information from a Confidential Reliable Informant (CRI), who stated Michael JACKSON told the CRI that he (JACKSON) wanted to be like the "fog," in that JACKSON did not want people to be able to track his activities and whereabouts. In order to accomplish this, JACKSON did not utilize credit accounts or telephones, which were associated with JACKSON. Rather, JACKSON used credit cards and telephones connected with his associates and JACKSON registered at hotels under assumed names. SBSO investigators have corroborated this information through hotel records and the statements of JACKSON's bodyguards. It should be noted this CRI provided information to SBSO investigators on prior occasions. On these prior occasions, the information provided by the CRI was found to be true, through evidence and/or statements of other witnesses.

During this investigation, SBSO investigators learned Michael JACKSON utilized a travel agency called Air Apparent to arrange for travel needs, including airline tickets and hotel stays. SBSO Detective Paul Zelis

Warrant page 4

004774

Exhibit 10

# CMRY

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THOMAS MESEREAU, JR.  
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July 22, 2004

VIA FACSIMILE (805) 568-2398

Thomas Sneddon, Esq.  
District Attorney  
District Attorney's Office  
1105 Santa Barbara Street  
Santa Barbara, CA 93108

Re: People v. Jackson, SBSC Case No. 1133603

Dear Mr. Sneddon:

Because of the complexity of this matter and the involvement of so many individuals and entities, we request that you provide us with a Bates-stamped copy of all discovery provided to date, and that all discovery provided to us in the future be Bates-stamped consecutively as well.

Additionally, in your discovery to date, you have neglected to include the following materials. These materials are critical to our trial preparation. Please consider this a continuing request for discovery pursuant to Penal Code Sections 1054 and 1054.5(b):

1. Please provide us with all clues that were called in, e-mailed and or sent via mail, in the matter involving Michael Jackson;
2. All crime reports prepared in relation to the investigation and prosecution of this case including Grand Theft, Child Abduction and False Imprisonment crime reports;
3. In the event the alleged crimes occurred in other jurisdictions, please identify the jurisdiction and the personnel from that jurisdiction;
4. All bail enhancement requests and documents;
5. All photographs, jail video and audio tapes, logs, and reports generated prior to, during and after Mr. Jackson was booked;

Exhibit 11 (p. 1/8)



6. List of all sworn and civilian employees who were present when Mr. Jackson was booked;
7. List of all suspects who were being held in holding tank(s) when Mr. Jackson was being booked;
8. All supervisor and watch commander logs that were generated and reflect issues concerning Mr. Jackson's arrest and or investigation;
9. All inter or intra departmental communications referencing Mr. Jackson's arrest, investigation and or inquiry;
10. Please provide us with all officer or investigator notes and note books, chronological records and logs, audio and/or video tapes, and police reports generated by the Santa Barbara Sheriff's Department, the Santa Barbara District Attorneys Office, or any other social, law enforcement or criminal justice entity, involved in the pre arrest and or post arrest investigation of Michael Jackson;
11. Please provide us with all audio and video tapes, transcripts of every tape, and please identify by name, address and phone number all participants and/or witnesses (including law enforcement officers, whether or not the individual is audible and/or visible on the recording), in each situation, transaction and/or occurrence recorded;
12. Please provide us with all e-mail communications (relevant to the Michael Jackson investigation) involving law enforcement, their agents and sworn and or civilian witnesses. This request pertains to all known investigations and or inquiries, regardless of time;
13. Please provide us with all notes, records, reports, phone conversations, statements (whether telephonic, in person, verbal, written, signed or unsigned), recordings (audio, video and/or transcripts), involving District Attorney Tom Sneddon's contacts with, but not limited to, Diane Diamond, Gloria Allred, Lury Feldman, Dr. Stanley Katz and Carole Lieberman. This request is limited to issues concerning Michael Jackson's arrest, past and present investigations and or inquiries conducted and or directed by Mr. Sneddon on behalf of the Santa Barbara District Attorney's Office and or by the current and former Sheriff of Santa Barbara County;
14. Any books, papers, documents, letters, photographs or tangible objects relevant to this case, particularly including the evidence which the prosecution intends to produce at trial, including, but not limited to any physical evidence obtained from or belonging to the defendants, or taken during searches involved in this matter. Any and all photographs, contact sheets, motion pictures or sound recordings, or transcripts of such sound recordings, which relate in any way to the issues involved

Exhibit 11 (p. 2/3)



provided was, and what was subsequently discovered;

27. All notes or memoranda, handwritten or typed, concerning conversations with informants;
28. All statements taken from or made by any person, including witnesses in relation to this case, typed, written or unwritten, signed or unsigned, including any oral conversations, and all notes, memoranda, or recordings or documentation thereof with any member of any law enforcement agency, their agents, employees, representatives or investigators, or any person in any way relevant to the allegations charged herein whether or not the prosecution intends to call them at any hearings or trial;
29. The names, addresses and telephone numbers of all persons whom the prosecution may call as witnesses;
30. The following information concerning each witness the prosecution intends to call; date of birth, place of birth and physical descriptions; all aliases, aka's or pseudonyms; occupation and employment address; any charges pending against them, including the name of the court, case number, status of case, charges, investigating agency and witnesses thereto; any immunity agreements, whether written or unwritten, formal or informal;
31. The records of all arrests and convictions (i.e., "rap sheets"), both domestic and foreign, of any prospective witnesses;
32. The contents of all statements made to the potential witnesses and/or informants in order to induce potential witnesses and/or informants to cooperate with the investigation, preparation and/or prosecution of the above-entitled action;
33. All crime reports (including, but not limited to, follow up reports, property reports, scientific investigation reports, activity reports, coroner reports, etc.) prepared in relation to the investigation and prosecution of this case. This includes the notes of all police officers of their activities and observations during the period of the investigation of this case;
34. All notes made by police officers regarding their conversations with witnesses;
35. All notes made by prospective witnesses relating to matters to be covered in their testimony at the trial;
36. Documents used by witnesses to refresh their memory for the trial;

Exhibit 11 (p.4/p)

37. The contents of all statements made to the prosecution in interviews, testimony or by any person who claims to have information regarding the above-entitled action;
38. All experts who were in any way contacted by or involved in the investigation of witnesses;
39. Identities, including names, addresses, phone numbers, badge numbers, occupation titles, and present assignments of all experts who prepared reports concerning their analysis or examinations upon any physical evidence, whether or not the prosecution intends to call them at the trial;
40. A current summary and itemization of the course of instruction or other training given to persons who are expected to testify as experts on any issue connected to this case, including, but not limited to a course summary, a list of all prior similar cases in which the "expert" has conducted an investigation and/or has testified, and a list of instructors and their qualifications;
41. Any and all writings or publications used in any way by the experts in forming opinions, or in obtaining a basis for forming an opinion, including teaching manuals, journals, treatises, textbooks, bulletins and other records of classes in the expert's field of expertise, or otherwise;
42. A list of all suspects, witnesses and defense counsel to whom the expert has spoken, who have provided information used in any way by the expert as a basis for forming any opinion;
43. All physical evidence including but not limited to, all documents, computers, papers, books, records, photographs, phone records, which may be introduced at the trial;
44. All other physical evidence which is now in the possession of the prosecutors or law enforcement officers or which has been examined and which is in any way relevant to this proceeding;
45. For each piece of physical evidence set forth in this letter, the present location and the name, address and phone number of the present custodian of said evidence;
46. Any reports or raw notes describing any of the physical evidence set forth in this communication;
47. The name, address, and phone number of each person to whom any of the physical evidence in this case was submitted for analysis including, but not limited to all criminalists, handwriting experts, psychologists, et al.;

Exhibit 11 (p. 5/p)



48. All reports of scientific tests and examination relative to this case which have been conducted by the prosecution and/or their agents;
49. The data and raw notes which were made in connection with the scientific tests in this case;
50. The content and nature of any finding or scientific or expert opinion which has been communicated to the prosecution but which has not been reduced to writing or a report;
51. All reports and scientific analyses performed at the request of the prosecution upon any physical evidence relating to this case, including, but not limited to, all computer reports, handwritten notes, transcriptions, charts, graphs, diagrams, sketches, raw scientific and analytical data, memoranda and laboratory worksheets or recordings of any kind used in the preparation and construction of final reports;
52. The following reports, forms, and evidence pertaining to the investigation of this case:
  - a. Follow-up investigation reports;
  - b. Supplemental reports;
  - c. Incident reports;
  - d. Chain of custody records;
  - e. Pitchess discovery;
  - f. Manuals re criminal investigations (rules-procedures);
  - g. Property reports;
  - h. Activity reports (Daily, Weekly, Monthly);
  - i. Control logs, dockets;
  - j. Investigators/officers raw notes, logs, chronologies;
  - k. Tape recordings-video of witness statements and transcripts;
  - l. Criminal history concerning victims and witnesses;
  - m. All potentially exculpatory investigative leads;

Exhibit 11 (P.6/p)

- n. All investigators present during interviews/interrogations;
- o. Notifications;
- p. Teletypes (DMV checks, record checks, criminal checks, date-times);
- q. Disclosure statements;
- r. Investigators final reports;
- s. Chronological logs;
- t. Six Pack (photo) comparisons;
- u. Prior crime reports involving suspects or witnesses;
- v. Press releases;
- w. Press appearances by investigators/personnel & their agents;
- x. Newspaper articles;
- y. Analyzed evidence reports;
- z. Intra departmental correspondence from all involved;
  - aa. Field activity reports;
  - bb. Names of supervisors who approved reports;
  - cc. Names of prosecutors who reviewed reports;
  - dd. Prosecutors charge evaluation sheets;
  - ee. List of people interviewed but not intended to be called as witnesses;
  - ff. Communication tapes;
  - gg. Correspondence to other agencies; and
  - hh. Scientific analysis reports.

Exhibit II (P. 7/8)

The prosecution must inform defense counsel of any and all evidence and/or information from any source that it has which is or may be favorable to the defense in that it tends to exonerate the defendant or constitutes information that the defense might use to impeach or contradict prosecution witnesses, including all information which may lead to such information.

The items requested herein must be made available to defense counsel forthwith, thus enabling counsel to utilize the requested items in the preparation of motions and the trial in this matter.

This is a continuing request and requires the prosecution to inform counsel for the defendants forthwith of any information covered by this request which comes to the attention of police or prosecution after this request is made.

Sincerely,



Thomas A. Mesereau, Jr.

Exhibit 11 (p. 8/8)

THOMAS W. SNEDDON, JR.  
District Attorney

MAJNIE D. PINSICER  
Assistant Director

DAVID M. SAUNDERS  
Chief Investigator



PATRICK J. MCKINLEY  
Assistant District Attorney

CHRISTIE STANLEY  
Assistant District Attorney

ERICA A. HANSON  
Chief Trial Deputy

COUNTY OF SANTA BARBARA  
DISTRICT ATTORNEY

August 12, 2004

Thomas A. Mesereau, Jr., Esq.  
Collins, Mesereau, Reddock, & Yu, LLP  
1875 Century Park East, 7<sup>th</sup> Floor  
Los Angeles, CA 90067

Dear Mr. Mesereau:

After reviewing your July 22<sup>nd</sup> Discovery Request and reviewing the relevant code provisions set forth in Penal Code §1054 et seq. governing discovery, the following response is provided. While some of the requests are standard requests covered by Penal Code §1054.1, others are not. To facilitate closure on the former and guidance as to the latter, I have divided your requests into groups. As to several requests that were prefaced with the word "all" our answers are predicated upon the assumption your use of the word "all" is meant to apply to the current investigation involving the charges alleged in the indictment. If that was not your intention, then we believe the request to be overbroad. Additionally, we acknowledge, as we did during the Grand Jury Hearing, our continuing obligation to produce, without request on your part, any exculpatory evidence as defined under *Brady v. Maryland* and those cases amplifying Penal Code section 1054.1's discovery and due process requirements.

1. Pursuant to Penal Code §1054.1, we believe we are in complete compliance with regard to the following requests:

- #2 However, we believe the words "grand theft" were mistakenly substituted for word "extortion."
- #3
- #4 Please see the arrest warrant.
- #10 However, as the vagueness created by inclusion of the term "social" agency. If this applies to reports investigators obtain from this type of agency then it will be produced, but if it refers reports they may have that we are not aware and do not possess then we do not agree.
- #11 Except as to the requirement that we transcribe materials. Even though not required, we have provided copies of transcribed materials.
- #14

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☐ Santa Barbara Office  
1112 Santa Barbara Street  
Santa Barbara, CA 93101  
(805) 568-2300  
FAX (805) 568-7463

☐ Lompoc Office  
115 Civic Center Plaza  
Lompoc, CA 93436  
(805) 737-7760  
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☐ Santa Maria Office  
312-D East Cook Street  
Santa Maria, CA 93454  
(805) 545-7540  
FAX (805) 545-7540



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#15  
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#52a,b,c,d,g,m,r,s,t,aa,bb

2. Jackson Jail Booking Information.

We agree that the items requested in paragraph 5 through 8 are within the scope of 1054.1. We will immediately initiate steps to get the Attorney General's investigation materials and supplement those materials if necessary.

3. Informant(s).

As to the Confidential Reliable Informants request contained in paragraph 26, the only individual given that description was Jay Jackson. He is the CRI referenced in the original search warrant affidavit.

As to the remaining paragraphs 18-27, we agree that information, if it exists, is within 1054.1's scope, subject to the provisions of 1054.7.

4. The following items are duplicated elsewhere in your request:

#34  
#49  
#51  
#52 j, k, l, y, cc, hh

5. The following items are beyond the scope of Brady and Penal Code §1054.1.

#9  
#12

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#13

#37 However, we are compliant to the extent that statements relevant to this investigation have been reduced to written reports.

#35

#52 e, f, u, v, w, x, z, cc, dd, gg

6. The following items are either overbroad or vague. If you wish to refine your request for these items and resubmit them to us we will be happy to evaluate whether they conform to our discovery obligations.

#1

#28 However, we are compliant to the extent that statements relevant to this investigation have been reduced to written reports.

#30

#31 However, we will comply with our obligation to provide the defense with information concerning moral turpitude crimes committed by material witnesses.

#40 However we will be provide available CVs on expert witnesses.

#41

#42

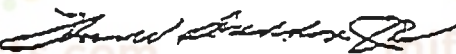
#45

#52 h, i, o, p, q, ff

7. #52a We believe the current discovery complies with the request. However, in order to prevent any problems, all officers writing a report will be contacted to ensure full and accurate compliance with the request.

I believe that further discussions could result in a satisfactory agreement on some of these requests. Please feel free to contact us to discuss these requests.

Very truly yours,



Thomas W. Sneddon, Jr.  
District Attorney

TWS:am

cc: Steve Cochran, Esq.  
R. Brian Oxman, Esq.  
Robert Sarger, Esq.  
Susan C. Yu, Esq.

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PROOF OF SERVICE

I, the undersigned, declare:

I am a citizen of the United States of America, am over the age of eighteen (18) years, and not a party to the within action. I am employed at 1875 Century Park East, 7<sup>th</sup> Floor, Los Angeles, CA 90067. On October 4, 2004, I served the following document:

NOTICE OF MOTION AND MOTION COMPELLING DISCLOSURE OF INFORMANT'S IDENTITY OR, IN THE ALTERNATIVE, DISMISSING THE ACCUSATORY PLEADING; MEMORANDUM OF POINTS AND AUTHORITIES; DELCARATION OF SUSAN C. YU IN SUPPORT THEREOF

on the interested parties addressed as follows:

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

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

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

BY MESSENGER/ATTORNEY SERVICE: I caused \_\_\_\_\_ to personally serve the within document on the above interested parties.

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

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

Executed on October 4, 2004, at Los Angeles, California.

  
Susan C. Yu