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11 MICHAEL J. JACKSON

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

16 THE PEOPLE OF THE STATE OF
17 CALIFORNIA,

18 Plaintiff,

19 vs.

20 MICHAEL JOE JACKSON

21 Defendant.

FILED
SUPERIOR COURT of CALIFORNIA
COUNTY of SANTA BARBARA

NOV 29 2004

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

* unsealed pursuant
to 6/16/05 court
order

CASE NO. 1133603

EX PARTE APPLICATION FOR
ORDER PERMITTING INTERVIEW
OF PASSPORT OFFICE
EMPLOYEES; MEMORANDUM OF
POINTS AND AUTHORITIES;
DECLARATION OF COUNSEL

Hearing: ~~November 29, 2004~~
Time: 10:00 a.m.
Place: Dept. SM-2

FILED UNDER SEAL
AND IN CAMERA

1 Defendant, Mr. Michael Jackson, submits this Ex Parte Application to Permit Interview of
2 Passport Office Employees pursuant to the requirements of 32 C.F.R. sections 516.42 to -.46, which
3 require a Court Order as a prerequisite to permitting interview of a U.S. government employee. Mr.
4 Jackson makes this application under seal and without notice to the prosecution based on the
5 Court's Order of August 9, 2004, under Teal v. Superior Court, 117 Cal. App. 4th 488 (2004). This
6 application is a similar procedure to the prosecution's request for search warrants and makes a
7 showing of both probable cause for the interview, along with relevance and materiality of potential
8 testimony from the Passport Office employees.

9 Mr. Jackson requests the Court to issue the Order attached as Exhibit "A" permitting Mr.
10 Jackson's investigator, Mr. Scott Ross, to conduct an interview with employees of the US Passport
11 Office located at 2200 Wilshire Boulevard, Los Angeles, California 90024, based on the following
12 grounds:

13 (1) The Court should enter an Order permitting Mr. Jackson to interview employees of the
14 Los Angeles Passport Agency, U.S. Department of State, because Mr. Jackson has received
15 information that employees of that Agency observed complaining witnesses Janet Arvizo and her
16 family express their desires on February 25, 2003, to travel outside the United States, which is
17 contrary to their contentions and claims in this case;

18 (2) Witness interviews with Passport Office employees will disclose the complaining
19 mother made a disturbance at the Passport Office where she claimed she was Michael Jackson's
20 personal assistant, that she was a very important person because she knew Michael Jackson, and that
21 she should be permitted to go to the head of the line because she was eager to get her passport;

22 (3) Mr. Jackson seeks a Court Order in compliance with federal regulations permitting the
23 interviews because the U.S. Passport Agency has informed Mr. Jackson that pursuant to United
24 States ex rel. Touhy v. Ragen, 340 U.S. 462, 467 (1951), he must first obtain a court order finding
25 the employee interviews requested are "relevant and material" to the case before the U.S.
26 Government will permit any interview of its employees.

27 This Ex Parte Application is based upon this notice, the attached memorandum of points and
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1 authorities, the declaration of counsel, the exhibits and evidence lodged with this Court, the file and
2 record herein and any other information presented prior to a ruling hereon.

3 DATED: November 29, 2004

Respectfully submitted,

4 Thomas A. Mesereau, Jr.
5 Susan Yu
6 COLLINS, MESEREAU, REDDOCK & YU

7 Robert M. Sanger
8 SANGER & SWYSEN

9 Brian Oxman
10 OXMAN & JAROSZAK

11 By:

12 R. Brian Oxman
13 Attorneys for Defendant
14 MICHAEL J. JACKSON

DECLARATION OF BRIAN OXMAN

I, Brian Oxman, declare and say:

1. I am an attorney at law admitted to practice before all the courts of the State of California, and I am an attorney for Michael Jackson. I submit this declaration in support of Mr. Michael Jackson's request for an Order Permitting Interview of Passport Office Employees.

2. On October 22, 2004, I received information from several different sources concerning employees at the U.S. Passport Office located at 11000 Wilshire Boulevard, Los Angeles, California 90025. Among this information was a report from Detective Swack of the Santa Barbara Sheriff's Department dated December 1, 2003, where the prosecution obtained passport applications of the complaining witnesses, Janet Arvizo, Davellin Arvizo, Gavin Arvizo, and Star Arvizo, dated February 25, 2003. (Exhibit "A"). Based on the information I had, I decided to telephone the Passport Office to determine if any of the persons there recalled the applications from the complaining witnesses.

3. On October 22, 2004, I telephoned the Passport Office and spoke to Mrs. Sijmato, the supervisor of the Passport Office in Los Angeles. I asked her if any of the people at the office recalled an incident whereby a woman named Janet Arvizo came into the Office to make a passport application on February 25, 2003. I told her that based on information I had received she made a significant commotion about being a friend of Michael Jackson, that she demanded to be allowed to go to the head of a long line, and that she told the Passport Office she was a very important person because she was Michael Jackson's assistant.

4. Ms. Sijmato informed me that many news media persons had telephoned and come to the Passport Office requesting the same information. Several of the employees at the office recalled the incident. She told me there were several employees who recalled the information including and employee named Maria.

5. I asked her if I could send our private investigator Scott Ross to the Passport Office to obtain an interview form the employees. She stated that I would need to obtain clearance for the

1 interview from her supervisor, Mr. Tom Reid, and asked that I call him. Our conversation then
2 ended.

3 6. On October 22, 2004, I telephoned Mr. Tom Reid, who was the Head of the Passport
4 Office in Los Angeles, and informed him about my conversation with Ms. Sijmato and of the
5 information I had obtained regarding the February 25, 2003, incident. I asked him if I could send
6 my private investigator to the Passport Office to conduct interviews with employees. Mr. Reid
7 stated that I would need to contact the legal department in Washington D.C. and gave me the name
8 and number of Sharon Palmer-Royston. I telephoned Mr. Palmer-Royston, informed her of the
9 information I had, and requested that my investigator be permitted to conduct interviews of the
10 Passport Office employees.

11 7. Ms. Palmer-Royston asked that I put the request in writing and provide her with copies of
12 the documents I had in my possession which might indicate who in the Passport Office would have
13 been present on the date in question. I then wrote to Ms. Palmer-Royston stating that I wished to
14 have my investigator conduct interviews with Passport Office employees and supplying her with the
15 documents. A copy of my letter is attached as Exhibit "B"

16 8. On October 25, 2004, I received a telephone call from Consuelo Pachan. She was an
17 attorney in the same office as Ms. Palmer-Royston. She asked me why I wished to obtain the
18 interviews of the employees and who the employees were. I explained to her that only names I had
19 were Ms. Sijmato and Maria. I wanted my investigator to go to the Passport Office, be able to
20 request the assistance of Tom Reid and any other supervisor persons to determine who was present
21 on the date in question, and to interview those persons. Ms. Pachan stated she would get back to
22 me. I confirmed my conversation in a fax, a copy of which is attached as Exhibit "C."

23 9. On November 10, 2004, I telephoned Ms. Pachan and inquired concerning the status of
24 my request. She informed me that it would be necessary for me to obtain a court order from the
25 Santa Barbara Superior Court permitting the interviews pursuant to the procedures established by
26 United States ex rel. Touhy v. Ragen, 340 U.S. 462, 467 (1951), finding the interview request was
27 relevant and material to the legal proceeding in which I was involved. She stated that if I would
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1 present her with that court order, she would permit my investigator to determine which employees
2 were present on the date in question, and to interview them.

3 10. I asked Ms. Pachan if she would put that information in writing in letter form so that I
4 could present it to the Judge in my case. She stated that she would. However, three (3) weeks have
5 now passed and I have not received any letter from Ms. Pachan.

6 11. I request the Court to issue an Order permitting Mr. Scott Ross to interview Passport
7 Office employees because the employees witnessed the complaining family make a passport
8 application under conditions and circumstances that are diametrically opposed to all of the claims
9 made by the complaining mother. The mother states in her interviews with the prosecution and her
10 Grand Jury testimony that she was forced to make the passport application, that she didn't want to
11 go to Brazil, and that she was being forced to go to Brazil against her will and under threats and
12 intimidation. (GT Tr., p. 1115, ln 21 to p. 1116, ln 7). The Passport Office employees have been
13 interviewed by members of the news media and state this information is nonsense. They state the
14 mother was eager to obtain her passport, that she made a significant display of bravado about how
15 she was Michael Jackson's personal assistant while at the Passport Office, and that she demanded
16 that she go to the head of the line because she was a very important person who knew Mr. Jackson..

17 12. I believe a witness interviews will disclose the complaining mother was not an
18 unwilling participant in the passport applications and that she was eager to get the passports because
19 she wanted to go outside the country. I believe a witness interview will disclose the mother said to
20 the passport office employees, "Don't you know who I am. I'm Michael Jackson's personal
21 assistant." I further believe that the interviews will disclose the mother made numerous statements
22 about how she wanted her family to go out of the country, and how she was looking forward to the
23 trip. These statements are totally opposed and contrary to the prosecution's claim that the mother
24 was forced to go to the Passport Office against her will.

25 13. The witness interviews are also material and relevant because they will disclose the
26 mother had every opportunity to tell officials of the United States Government that she was being
27 kidnaped, but she did not. She had every opportunity to ask for help from government officials, but
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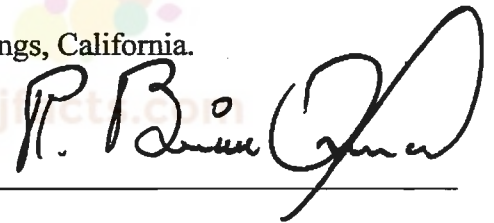
1 she did not. She answered questions put to her by government officials, but instead of saying she
2 was being forced to go someplace against her will, she made completely contrary statements that
3 demonstrate the falsity of her claims in this case.

4 14. This Motion does not seek the issuance of a subpoena because Mr. Jackson does not yet
5 know the identity of the witnesses. That request will be made once the witnesses have been
6 identified and interviewed. The only request that is being made by this application is that Mr.
7 Jackson be permitted to identify relevant witnesses at the Passport Office and to interview them.

8 15. Mr. Jackson makes this request for an In Camera Order because he should not be
9 required to disclose to the prosecution who it is that he wishes to interview before the witness is
10 interviewed. The prosecution does not disclose its witness interviews with Mr. Jackson before they
11 are conducted, and Mr. Jackson will comply with discovery obligations under Penal Code
12 section 1054 regarding discovery and witnesses. However, until the interview takes place, under
13 Teal v. Superior Court, 117 Cal. App. 4th 488 (2004), Mr. Jackson should not be obligated to
14 disclose his strategy or work product to the prosecution.

15 I declare under penalty of perjury under the laws of the State of California the foregoing is
16 true and correct.

17 Executed this 29th day of November, at Santa Fe Springs, California.



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19
20 R. Brian Oxman

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 I.

3 **INTRODUCTION**

4 Defendant, Mr. Michael Jackson submits this Memorandum in support of his Motion to
5 Interview Passport Agency Employees. Mr. Jackson's motion is based on the following grounds:

6 (1) The Court should enter an Order permitting Mr. Jackson to interview employees of the
7 Los Angeles Passport Agency, U.S. Department of State, because Mr. Jackson has received
8 information that employees of that Agency observed complaining witnesses Janet Arvizo and her
9 family express their desires on February 25, 2003, to travel outside the United States, which is
10 contrary to their contentions and claims in this case;

11 (2) Witness interviews with Passport Office employees will disclose the complaining
12 mother made a disturbance at the Passport Office where she claimed she was Michael Jackson's
13 personal assistant, that she was a very important person because she knew Michael Jackson, and that
14 she should be permitted to go to the head of the line because she was eager to get her passport;

15 (3) Mr. Jackson seeks a Court Order in compliance with federal regulations permitting the
16 interviews because the U.S. Passport Agency has informed Mr. Jackson that pursuant to United
17 States ex rel. Touhy v. Ragen, 340 U.S. 462, 467 (1951), he must first obtain a court order finding
18 the employee interviews requested are "relevant and material" to the case before the U.S.
19 Government will permit any interview of its employees.

20 **A. Statement of the Case.**

21 Mr. Jackson has received information based on his attorney's contacts with the U.S. Passport
22 Agency in Los Angeles, California, that employees of the Agency have material information
23 concerning the complaining witness mother, Janet Arvizo, and her family's application for
24 passports on February 25, 2003. Based on a conversation Mr. Oxman had with Ms. Sijmato from the
25 Passport Office, Mr. Oxman believes a witness interview with Passport Office employees will
26 disclose the complaining mother was not an unwilling participant in the passport applications and
27 that she was eager to get the passports because she wanted to go outside of the country. Mr. Oxman
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1 believes a witness interview will disclose the mother said to the passport office employees, "Don't
2 you know who I am. I'm Michael Jackson's personal assistant."

3 Mr. Oxman further believes that the interviews will disclose the mother made numerous
4 statements about how she wanted her family to go out of the country, and how she was looking
5 forward to the trip. These statements are opposed and contrary to the prosecution's claim that the
6 mother was forced to go to the Passport Office against her will. The employees witnessed the
7 complaining family make a passport application under conditions and circumstances that are
8 diametrically opposed to all of the claims made by the complaining mother.

9 The mother states in her interviews with the prosecution and her Grand Jury testimony that
10 she was forced to make the passport application, that she didn't want to go to Brazil, and that she
11 was being forced to go to Brazil against her will and under threats and intimidation. (GT Tr., p.
12 1115, ln 21 to p. 1116, ln 7). However, the Passport Office employees have been interviewed by
13 members of the news media and state this information is nonsense. They state the mother was eager
14 to obtain her passport, that she made a significant display of bravado about how she was Michael
15 Jackson's personal assistant while at the Passport Office, and that she demanded that she go to the
16 head of the line because she was a very important person who knew Mr. Jackson..

17 **B. Witness interviews of the Passport Office Employees are Relevant and Material.**

18 The witness interviews are also material and relevant because they will disclose the mother
19 had every opportunity to tell officials of the United States Government that she was being kidnaped,
20 but she did not. She had every opportunity to ask for help from government officials, but she did
21 not. She answered questions put to her by government officials, but instead of saying she was being
22 forced to go someplace against her will, she made completely contrary statements that demonstrate
23 the falsity of her claims in this case.

24 The prosecution has obtained passport applications and information concerning witnesses
25 without the necessity of a subpoena or search warrant. It is inherently unfair for the Passport Office
26 to provide information to law enforcement, but to decline to provide equal access to Mr. Jackson.
27 That unfairness is particularly compounded when the representations made by law enforcement to
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1 the Grand Jury are the product of a knowing failure to ask simple questions to Passport Office
2 employees. The conduct of the prosecution in obtaining Exhibit "A," but failing to ask employees
3 questions about the passport applications demonstrates the prosecution's knowing attempt to avoid
4 information the prosecution knows is detrimental and embarrassing to it.

5 The Court should enter an Order permitting Mr. Jackson to interview employees of the Los
6 Angeles Passport Agency, U.S. Department of State, because their testimony is "material and
7 relevant" to Mr. Jackson's defense. The complaining mother's testimony that she went to a federal
8 building and in public was forced to apply for a passport is difficult to believe under any
9 circumstances. The testimony of percipient witnesses who dealt with the complaining mother at the
10 federal Passport Agency not only impeaches the mother's claims, but also demonstrates a continuing
11 pattern of turning ordinary events into absurd claims of false imprisonment, child abduction, and
12 extortion.

13 II.

14 GOOD CAUSE EXISTS TO ENTER AN ORDER PERMITTING MR. JACKSON TO 15 INTERVIEW PASSPORT AGENCY EMPLOYEES

16 A. Employee Interviews Will Disclose Relevant and Material Information and 17 Witnesses that will Impeach the Complaining Mother's Claims.

18 Mr. Jackson seeks a Court Order in compliance with federal regulations permitting the
19 interviews because the U.S. Passport Agency has informed Mr. Jackson that pursuant to United
20 States ex rel. Touhy v. Ragen, 340 U.S. 462, 467 (1951), he must first obtain a court order finding
21 the employee interviews requested are "relevant and material" to the case before the U.S.
22 Government will permit any interview of its employees. The Passport Agency will permit the
23 interviews if Mr. Jackson obtains such a court Order. The Court's assistance in this matter is
24 important because without these witnesses being interviewed, the complaining mother will be
25 permitted to make nonsensical claims about being forced to go to a public building to make a
26 passport application when she never once stated to government officials she was being abducted,
27 falsely imprisoned, and extorted.

1 Under section 522 of the Privacy Act, 5 U.S.C. section 522, the court should examine the
2 materiality of a request to a federal employee or entity for information and make a determination
3 that the evidence sought is relevant to the case. Doe v. DiGenova, 779 F.2d 74, 79 (D.C. Cir.
4 1985)(Privacy Act allows disclosure "pursuant to order of a court of competent jurisdiction." 5
5 U.S.C. section 552a(b)(11)); S. Rep. No. 1183, 93rd Cong., 2d Sess. 1 (1974), reprinted in Senate
6 Committee on Government Operations, United States Senate & Committee on Government
7 Operations, House of Representatives, Legislative History of the Privacy Act of 1974, S. 3418
8 (Public Law No. 93-579) 154 (1976). Once that determination is made, the federal entity is then
9 required to determine if any regulation exists which prohibits disclosure of the requested material.
10 Boron Oil Co. v. Downie, 873 F.2d 67, 69 (4th Cir. 1989). In the absence of a regulation prohibiting
11 disclosure, the federal entity or employee will comply with the a request for information or a
12 subpoena. Sweet v. Schenk, 792 F.2d 1447, 1451-52 (9th Cir. 1986).

13 The information Mr. Jackson seeks through witness interviews of federal employees is
14 relevant and material to the claims made by the complaining mother. Witness interviews with
15 Passport Office employees will disclose the complaining mother made a disturbance at the Passport
16 Office where she claimed she was Michael Jackson's personal assistant, that she was a very
17 important person because she knew Michael Jackson, and that she should be permitted to go to the
18 head of the line because she was eager to get her passport. The information not only impeaches the
19 complaining mother, but also demonstrates the complaining mother failed to make any complaints
20 to government employees that she was being falsely imprisoned, abducted, or extorted.

21 **B. The Court Should Issue an Order Permitting Mr. Jackson to Conduct Witness**
22 **Interviews.**

23 Michael Jackson does not seek any privileged information by his request for employee
24 interviews. The employees who were present at the Passport Agency on February 25, 2003, were
25 either witnesses to a crime, in which case they should be interviewed, or they were witnesses to a
26 fraud perpetrated by the complaining mother. In either event, they should be interviewed because
27 their testimony is relevant and material to this case.

1 A federal employee may not be compelled to obey a state court subpoena contrary to his
2 federal employer's instructions under valid agency regulations. United States ex rel. Touhy v.
3 Ragen, 340 U.S. 462, 467 (1951). However, if there is no government regulation that prohibits the
4 compliance with a state court request for information or subpoena, the federal agency will ordinarily
5 permit inquiry of its employees or compliance with a subpoena. Boron Oil Co. v. Downie, 873 F.2d
6 67, 69 (4th Cir. 1989)(disclosure prohibited only where valid federal regulation prohibits such
7 disclosure of records). Rather, the only requirement the U.S. Department of State Passport Agency
8 has regarding this matter is that a court of competent jurisdiction pass on the request for witnesses
9 interviews, that the court find the interviews "material and relevant" to the proceeding, and that such
10 order then be served on the Passport Agency. See Oxman Dec., p. __, lines __).

11 This is the same procedure that has been followed in numerous cases where the court
12 prohibits disclosure only if a regulation prohibiting the disclosure exists. See Sweet v. Schenk, 792
13 F.2d 1447, 1451-52 (9th Cir. 1986)(National Transportation Safety Board's regulation prohibited
14 disclosure of certain information, and in face of such valid regulations, state court could not hold
15 federal employee in contempt for refusing disclosure of prohibited material); Reynolds Metals Co.
16 v. Crowther, 572 F. Supp. 288, 290-91 (D. Mass. 1982)(federal district court dismissed contempt
17 proceeding which would have compelled OSHA investigators to testifying private civil action in
18 state court contrary to agency's instructions under valid agency regulations); Smith v. C.R.C.
19 Builders Co., Inc., 626 F. Supp. 12, 14 (D. Colo. 1983)(OSHA official could not be compelled to
20 disobey order from an agency superior not to disclose information in state wrongful death action,
21 nor be punished for adherence to mandate of valid department regulations).

22 Mr. Jackson requests this court to issue an order approving his interviews of Passport
23 Agency employees. Mr. Jackson has received information that employees of that Agency observed
24 complaining witnesses Janet Arvizo and her family express their desires on February 25, 2003, to
25 travel outside the United States, which is contrary to their contentions and claims in this case. It
26 would deny Mr. Jackson the right to a fair trial and to use compulsory process to call witnesses on
27 his behalf were he not permitted to interview and subpoena these witnesses.

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III.

CONCLUSION

For the foregoing reasons, Mr. Michael Jackson requests his Motion to Interview Passport Agency Employees be granted.

DATED: November 29, 2004

Respectfully submitted,

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

Robert M. Sanger
SANGER & SWYSEN

Brian Oxman
OXMAN & JAROSCAK

By: 

R. Brian Oxman
Attorneys for Defendant
MICHAEL J. JACKSON

mjfacts.com

Exhibit “A”

RECLASSIFICATION		SHERIFF'S DEPARTMENT SANTA BARBARA COUNTY			2. CASE NUMBER 03-5670	
CLASSIFICATION		<input checked="" type="checkbox"/> FOLLOW-UP		<input type="checkbox"/> CLEARANCE		<input type="checkbox"/> COMPLAINT
(a) PC Lewd Acts Against a Under 14 Years of Age						
1. DATE RPT / TIME day, 06-13-06, 1520 hrs		4. FOLLOW UP TO: <input checked="" type="checkbox"/> OFFENSE		OTHER <input type="checkbox"/> ARREST <input type="checkbox"/> INCIDENT		5. DAY/DATE THIS RPT/TIME Monday, 12-1-2003, 1000 hrs
IC/BUS (LAST, FIRST, M) CONFIDENTIAL ***		SEX *	RAC	AGE/D.O.B. ***	RESIDENCE ADDRESS ***	
BUSINESS ADDRESS OR SCHOOL			BUS PHONE ***		WORK HOURS	HOME PHONE ***
JP <input type="checkbox"/> WIT <input type="checkbox"/> CO-VIC <input type="checkbox"/> PARENT <input type="checkbox"/> OTHER <input checked="" type="checkbox"/> (FIRST, MIDDLE) CIRCLE INVOLVEMENT ndrv. Steve		CM	SEX M	RAC W	AGE/D.O.B. Adult	RESIDENT ADDRESS State Department Los Angeles, CA TELEPHONE BUS (213) 894-5127 RES DNA
JP <input type="checkbox"/> WIT <input type="checkbox"/> CO-VIC <input type="checkbox"/> PARENT <input type="checkbox"/> OTHER <input type="checkbox"/>		CM	SEX	RAC	AGE/D.O.B.	BUS RES
JP <input type="checkbox"/> WIT <input type="checkbox"/> CO-VIC <input type="checkbox"/> PARENT <input type="checkbox"/> OTHER <input type="checkbox"/>		CM	SEX	RAC	AGE/D.O.B.	BUS RES
JP <input type="checkbox"/> WIT <input type="checkbox"/> CO-VIC <input type="checkbox"/> PARENT <input type="checkbox"/> OTHER <input type="checkbox"/>		CM	SEX	RAC	AGE/D.O.B.	BUS RES
SUSPECT NAME (LAST, FIRST, MIDDLE) CKSON, Michael		CM	SEX M	RAC B	AGE/D.O.B. 45/	HGT 5-11 WGT 120 HAI BLK EYE BRO BOOKING #
RESS verland Ranch, [REDACTED] Santa Ynez, CA 93460		PHONE		MUSTACHE <input type="checkbox"/> BEARD <input type="checkbox"/> GLASSES <input type="checkbox"/>	HAT <input type="checkbox"/> MASK <input type="checkbox"/> TT/SCAR <input type="checkbox"/>	CLOTHING DESCRIPTION
SUSPECT NAME (LAST, FIRST, MIDDLE)		CM	SEX	RAC	AGE/D.O.B.	HGT WGT HAI EYE BOOKING #
RESS		PHONE		MUSTACHE <input type="checkbox"/> BEARD <input type="checkbox"/> GLASSES <input type="checkbox"/>	HAT <input type="checkbox"/> MASK <input type="checkbox"/> TT/SCAR <input type="checkbox"/>	CLOTHING DESCRIPTION
RUSP VEH LICENSE		ST	YR	MAKE	MODEL	COLOR LOCATION/PERSON <input type="checkbox"/> STORED, RELEASED <input type="checkbox"/> IMPOUNDED
E OF RO		ADDRESS				
COMPLAINT FILED YES <input type="checkbox"/> MISDEMEANOR NO <input type="checkbox"/> FELONY		12. REVIEWING DA		13. <input type="checkbox"/> CITATION ISSUE <input type="checkbox"/> WARRANT ISSUED <input checked="" type="checkbox"/> D.A. NOTICE <input type="checkbox"/> IN CUSTODY <input type="checkbox"/> REF. TO PROBATION <input type="checkbox"/> OUT ON BAIL		14. <input checked="" type="checkbox"/> CLEARED <input type="checkbox"/> CLOSED <input type="checkbox"/> INACTIVE
ATTACHMENTS: <input type="checkbox"/> SH-451		<input type="checkbox"/> CHP 180	<input type="checkbox"/> OTHER	<input type="checkbox"/> PROPERTY TAG #		PAGE 1 OF _____ PAGES
RELATED CASE NUMBERS		VICTIM OR BUSINESS		DATE REPORTED	CRIME TYPE	CASE STATUS
REPORTING DEPUTY BODY # t. Swack 350		18. DATE/TIME RPT WRITTEN 12-1-2003 / 1000		19. EST. TOTAL VALUE DNA	23. TOTAL HOURS WKD 2	RECORDS USE ONLY RECEIVED 2423 DATE 2/5/04 BCS RMS
ASSISTING DEPUTY BODY #		21. SUPERVISOR APPROVING BODY [Signature]		22. TYPED BY/DATE DNA		

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Copy for: () Detectives () Juvenile () Sheriff's Atty
() Patrol () Investigator () Clerk

0811

(A) LIST CONTINUATION. (B) DESCRIBE: PHYSICAL EVIDENCE, LOCATION FOUND & DISPOSITION. (C) NARRATIVE. (D) DISPOSITION.

(A) Continuations: None.(B) Physical Evidence: Refer to original report.

(C) Narrative: On December 1, 2003, I faxed a request to Special Agent Landry of the U. S. State Department in Los Angeles, California. I requested all passport information on Janet Arvizo, Gavin Arvizo, Star Arvizo and Davellin Arvizo. Special Agent Landry provided the following information:

Initially there was no passport activity for Janet Arvizo found, however, a couple days later when she was re-entered into the database under Janet Ventura-Arvizo, her passport was located. The issue date was February 25, 2003 expiring on February 24, 2008. The passport was purchased with a check. Her adult passport fee was \$85.00 with a \$60.00 expedition fee in addition to the original fee. This passport indicated a visit to Italy and/or France.

Gavin Arvizo received a passport with an issue date of February 25, 2003 and an expiration date of February 24, 2008. The passport was purchased with a check. The total amount of the check was \$130.00. The normal passport fee is \$65.00 however the higher amount was paid for an expedited passport. The passport indicated he would be spending a week in Italy or France.

Star Arvizo received a passport with an issue date of February 25, 2003 and an expiration date of February 24, 2008. The passport was purchased with a check. The total amount of the check was \$130.00. The normal passport fee is \$65.00 however the higher amount was paid for an expedited passport. The passport indicated he would be spending a week in Italy or France.

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

Davellin Arvizo received a passport with an issue date of February 25, 2003 and an expiration date of February 24, 2008. The passport was purchased with a check. The total amount of the check was \$145.00. The normal passport fee is \$65.00. The higher amount was paid for an expedited passport and an adult fee was added. The passport indicated she would be spending a week in Italy or France.

Any other information including passport applications must be obtained by way of Court Order or Subpoena. For more information regarding the checks that were used to pay for the passports, we need to contact the Los Angeles Passport Agency at 11000 Wilshire Blvd, Suite 1000, Los Angeles, California.

(D) Attn records: Case pending investigation.



**United States Department of State
Bureau of Consular Affairs**

Office of Passport Policy & Advisory Services
3rd Floor
2100 Pennsylvania Ave., N.W.
Washington, D.C. 20037

**PASSPORT INFORMATION FOR CRIMINAL LAW
ENFORCEMENT OFFICERS**

REQUESTS FOR PASSPORT INFORMATION

A federal, State or local (and in some cases foreign) law enforcement agency may obtain information from U.S. passport files for official use by sending a signed written request on agency letterhead, including the subject's name, date of birth, place of birth, other identifying information, and the reason for the request (i.e., statute under which investigation is being done). Authenticated copies of records are available upon written request. Requests should be addressed to:

Department of State
Passport Services
Office of Research and Liaison
1111 19th Street, NW
Washington, D.C. 20522-1705

Phone: (202) 955-0447
FAX: (202) 955-0288

PASSPORT RESTRICTIVE ACTION AND FUTURE PASSPORT INFORMATION

Before any passport is issued, the passport applicant's name is checked against a central name check system. A federal or state law enforcement investigative agency may request (address below) that a subject be placed in the passport name check system for notice before issuance even when there is no warrant or other court order. The request should be in writing, and should include full biodata of the subject, the statute under which the subject is being investigated, and the agency address and phone number of the officer to be contacted.

PASSPORT DENIAL

A federal or state law enforcement agency may request the denial of a passport on several regulatory grounds under 22 CFR 51.70 and 51.72. While the principal regulatory reason to deny a passport is a federal warrant of arrest, other reasons include a federal or state criminal court order of parole or probation prohibiting departure from the United States (or the jurisdiction of the court), a court order establishing incompetence, or a request for extradition. A passport is automatically denied for certified child support arrears and non-U.S. citizenship. Please note that denial of a passport does not of itself prevent the use of currently valid passports.

A request for denial should be in writing (delivered or faxed to the Office of Passport Policy and Advisory Services [address below]), and should include full biodata of the subject, a copy of the warrant of arrest and the name, agency address and phone number of the officer to be contacted. When an applicant's name has been entered into this system for law enforcement investigative purposes, the requesting agency is notified before issuance. Moreover, based on a warrant or court order as above, the State Department, in coordination with the requesting agency, will deny issuance of the passport.

PASSPORT REVOCATION

Passport revocation has the same regulatory basis as passport restriction – 22 CFR 51.72. A passport may be revoked where the person obtained their passport fraudulently, the passport was issued in error, the person's certificate of naturalization was cancelled by a federal court, or the person would not be entitled to a new passport under 22 CFR 51.70 (a) or (b). Please bear in mind that the physical revocation of a passport is often difficult.

To begin the revocation process, law enforcement officers should make a request, in writing, to the Office of Passport Policy & Advisory Services (address below) with the subjects name – including any aliases, date and place of birth, social security number, any known passport data, last known address, copies of any court orders or warrants, and the agent's direct contact information.

Revocations are done in coordination with the Department of Justice and the requesting agency. A passport will not be revoked when the whereabouts of the bearer is unknown. When there is a passport "hit" on an individual within the United States, based on the request, the interested law enforcement agency will be informed of the person's address so that an arrest can be made.

The requesting agency generally works with the Department of Justice's Office of International Affairs, Department of State L/LEI, the embassy and the foreign law enforcement establishment to effect the person's return to the United States.

Often, when foreign law enforcement agencies are informed by the Department that the passport of a U.S. citizen in foreign custody has been revoked, they will deport the person under escort because of that person's status as an undocumented alien. Thus, passport revocation (or the threat of passport revocation) is especially valuable when attempting to convince a parental kidnapper to return, with the child, the United States.

When a subject is apprehended routinely and has a passport, the passport may be retained by the law enforcement agency for evidentiary purposes. However, when it is no longer needed for the law enforcement purpose and the person is still in custody or subject to a bond or parole, the passport must be returned to the Department of State, Office of Passport Policy and Advisory Services (address below).

Department of State
Passport Services
Office of Passport Policy and Advisory Services
3rd Floor
2100 Pennsylvania Ave.
Washington, D.C. 20037

Phone: (202) 663-2662
Fax: (202) 663-2654

LOST AND STOLEN PASSPORTS

All reported lost or stolen passports are invalidated and placed into a database for use at U.S. ports of entry to help prevent identity theft.

When a United States passport is part of property taken in the course of robbery or theft, and whenever a United States passport is returned to law enforcement, this information and/or the passport itself should be returned to:

Department of State
Passport Services - Consular Lost and Stolen Passport Section
1111 19th Street, NW, Room 500
Washington, DC 20522-1705

CONTACT FOR PASSPORT ACTION

Department of State
Passport Services
Office of Passport Policy and Advisory Services
3rd Floor
2100 Pennsylvania Ave., NW
Washington D.C. 20037

Phone: (202) 663-2662
Fax: (202) 663-2654

Please notify Passport Services when a subject is apprehended, when the warrant is quashed or when passport action is no longer needed. If a lookout is allowed to remain in the passport system after these events, it will result in inconvenience and possible legal action.



United States Department of State

Washington, D.C. 20520

December 17, 2003

In reply refer to:

CA/PPT/IML/R/RR-RL – ARVIZO, Davellin Love
ARVIZO, Gavin Anton
ARVIZO, Star David
VENTURA-ARVIZO, Janet

Case Officer: WRNoyes

Sheriff's Department
Criminal Investigations Division
4434 Calle Real
Santa Barbara, CA 93110-1002

Dear Detective Swack:

I am responding to your December 9, 2003, letter requesting the release of information from the passport record of the four individuals named above for investigative purposes.

We conducted a search of our records for the period February 2003 to present and were able to locate the four documents you requested. After careful review of these documents, we determined that they could be released in full. Enclosed please find certified copies of those documents.

Passport records normally consist of applications for United States passports and supporting evidence of United States citizenship. Passport records do not include evidence of travel such as entrance/exit stamps, visas, residence permits, etc. since this information is entered into the passport book after issuance.

Also enclosed is an information sheet that explains how law enforcement agencies can request passport information and actions to restrict an individual's passport rights.

I hope these documents will assist your investigation.

Sincerely,

Research & Liaison Section
Office of Information Management and Liaison
Passport Services

Enclosures:
As stated.

United States of America



DEPARTMENT OF STATE

To all to whom these presents shall come, Greeting:

Vanessa D. Washington

I Certify That

whose name is subscribed to the document hereunto annexed, was at the time
Acting Chief, Records Services Division,
of subscribing the same
Passport Services
Department of State, United States
of America, and that full faith and credit are due to his acts as such.

In testimony whereof, I, Colin L. Powell

Secretary of State, have hereunto caused the seal of the Department of State to be affixed and my name subscribed by the Authentication Officer of the said Department, at the city of Washington, in the District of Columbia, this 17th
day of December, 19 2003



Colin L. Powell
Secretary of State.
By Thomas G. Sheltzer
Authentication Officer, Department of State.

Issued pursuant to RS 161, 5 USC 22, RS 203, 5 USC 158; Sec. 1 of Act of June 25, 1948, 62 St. 946, 28 USC 1733; Sec. 4 of Act of May 26, 1949, 63 St. 111, 5 USC 151; and Secs. 104 and 332 of Act of June 27, 1952, 66 St. 174 and 253, 6 USC 1104, 1443, and 5 USC 140.

This certificate is not valid if it is removed or altered in any way whatsoever



United States Department of State
Washington, D.C. 20520

December 12, 2003

TO WHOM IT MAY CONCERN

I, Vanessa D. Washington, Acting Chief, Records Services Division, Office of Information Management and Liaison, Passport Services Directorate, United States Department of State, certify, under penalty of perjury, that as Acting Chief of the Records Services Division, I am custodian of passport files.

I further certify that the passport record attached hereto and listed below, consisting of one page, is a true copy of the original record in the custody of the Passport Services Directorate of the Department of State, that I am the custodian of this file, and that:

- A. The record attached to this certificate was made at or near the time of the issuance of a passport, or the occurrence of the matters set forth therein, by the person executing the record with knowledge of the information provided therein;
- B. The record was kept in the course of regularly conducted activity under the authority of the Secretary of State to grant and issue passports; and,
- C. The record was made during the regularly conducted activity as a regular practice under the authority of the Secretary of State to grant and issue passports.

- 1. Application for United States passport number [REDACTED] issued to Davellin Love Arvizo on February 25, 2003, at the Los Angeles Passport Agency.
[Released in Full]

I further state that this certification is intended to satisfy Rule 44, Federal Rules of Civil Procedure; Rule 27, Federal Rules of Criminal Procedure; and, Rule 902, Federal Rules of Evidence, under Title 28, United States Code Annotated.

Sincerely,

Vanessa D. Washington, Acting Chief
Records Services Division
Office of Information Management and Liaison
Passport Services

PASSPORT REDACTED



United States of America

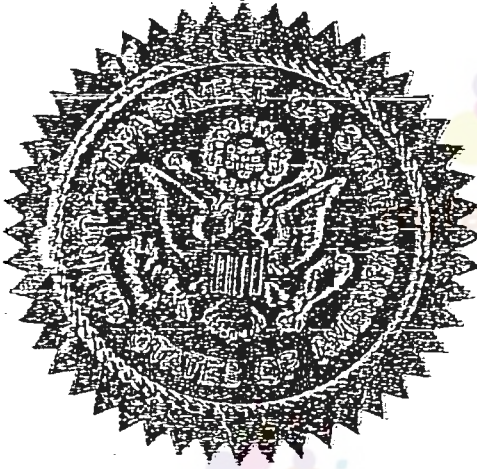


DEPARTMENT OF STATE

To all to whom these presents shall come, Greeting:

I Certify That Vanessa D. Washington,

whose name is subscribed to the document hereunto annexed, was at the time
of subscribing the same Acting Chief, Records Services Division,
Passport Services, Department of State, United States
of America, and that full faith and credit are due to his acts as such.



In testimony whereof, I, Colin L. Powell

Secretary of State, have hereunto caused the seal of the Department of State to be affixed and my name subscribed by the Authentication Officer of the said Department, at the city of Washington, in the District of Columbia, this 15th
day of December, 19 2003

Colin L. Powell
Secretary of State.

By Akemi G. Meltzer-Stokes
Authentication Officer, Department of State.

Issued pursuant to RS 161, 5 USC 22, RS 203, 5 USC 158; Sec. 1 of Act of June 23, 1946, 62 Stat. 946, 28 USC 1733; Sec. 4 of Act of May 26, 1949, 63 Stat. 111, 5 USC 151; and Secs. 104 and 332 of Act of June 27, 1952, 66 Stat. 174 and 253, 8 USC 1104, 1443, and 5 USC 140.

This certificate is not valid if it is removed or altered in any way whatsoever



United States Department of State

Washington, D.C. 20520

December 12, 2003

TO WHOM IT MAY CONCERN

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- A. The record attached to this certificate was made at or near the time of the issuance of a passport, or the occurrence of the matters set forth therein, by the person executing the record with knowledge of the information provided therein;
- B. The record was kept in the course of regularly conducted activity under the authority of the Secretary of State to grant and issue passports; and,
- C. The record was made during the regularly conducted activity as a regular practice under the authority of the Secretary of State to grant and issue passports.

- 1. Application for United States passport number [REDACTED] issued to Janet Ventura-Arviso on February 25, 2003, at the Los Angeles Passport Agency.
[Released in Full]

I further state that this certification is intended to satisfy Rule 44, Federal Rules of Civil Procedure; Rule 27, Federal Rules of Criminal Procedure; and; Rule 902, Federal Rules of Evidence, under Title 28, United States Code Annotated.

Sincerely,

Vanessa D. Washington, Acting Chief
Records Services Division
Office of Information Management and Liaison
Passport Services

0822



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UNITED STATES OF AMERICA



DEPARTMENT OF STATE

To all to whom these presents shall come, Greeting:

I Certify That Vanessa D. Washington

whose name is subscribed to the document hereunto annexed, was at the time
of subscribing the same Acting Chief, Records Services Division,
Passport Services, Department of State, United States
of America, and that full faith and credit are due to his acts as such.

In testimony whereof, I, Colin L. Powell

Secretary of State, have hereunto caused the seal of the Department of State to be affixed and my name subscribed by the Authentication Officer of the said Department, at the city of Washington, in the District of Columbia, this 17th
day of December, 19 2003

Colin L. Powell
Secretary of State.

By Naomi G. Miller-Stokes
Authentication Officer, Department of State.

Issued pursuant to RS 161, 5 USC 22, RS 203, 5 USC 156; Sec. 1 of Act of June 25, 1948, 62 St. 946, 28 USC 1733; Sec. 4 of Act of May 26, 1949, 63 St. 111, 5 USC 151e; and Secs. 104 and 332 of Act of June 27, 1952, St. 174 and 253, 8 USC 1104, 1443, and SC 140.

This certificate is not valid if it is removed or altered in any way whatsoever

0824



Washington, D.C. 20520

December 12, 2003

TO WHOM IT MAY CONCERN

I, Vanessa D. Washington, Acting Chief, Records Services Division, Office of Information Management and Liaison, Passport Services Directorate, United States Department of State, certify, under penalty of perjury, that as Acting Chief of the Records Services Division, I am custodian of passport files.

I further certify that the passport record attached hereto and listed below, consisting of one page, is a true copy of the original record in the custody of the Passport Services Directorate of the Department of State, that I am the custodian of this file, and that:

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- B. The record was kept in the course of regularly conducted activity under the authority of the Secretary of State to grant and issue passports; and,
- C. The record was made during the regularly conducted activity as a regular practice under the authority of the Secretary of State to grant and issue passports.

- 1.. Application for United States passport number [REDACTED] issued to Gavin Anton Arvizo on February 25, 2003, at the Los Angeles Passport Agency. [Released in Full]

I further state that this certification is intended to satisfy Rule 44, Federal Rules of Civil Procedure; Rule 27, Federal Rules of Criminal Procedure; and, Rule 902, Federal Rules of Evidence, under Title 28, United States Code Annotated.

Sincerely,

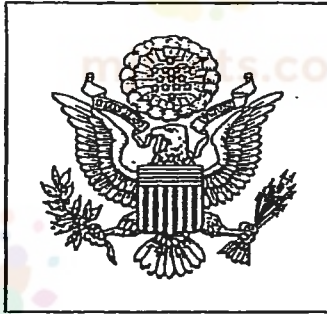
Vanessa D. Washington, Acting Chief
Records Services Division
Office of Information Management and Liaison
Passport Services

PASSPORT REDACTED

PURSUANT TO CRC 2073



United States of America



DEPARTMENT OF STATE

To all to whom these presents shall come, Greeting:

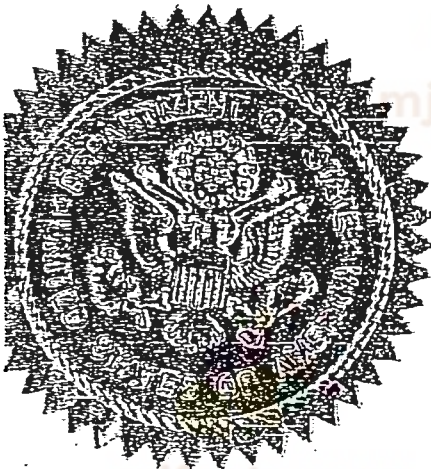
I Certify That Vanessa D. Washington

whose name is subscribed to the document hereunto annexed, was at the time
of subscribing the same Acting Chief, Records Services Division,
Passport Services
Department of State, United States
of America, and that full faith and credit are due to his acts as such.

In testimony whereof, I, Colin L. Powell

Secretary of State, have hereunto caused the seal of the Department of State to be affixed and my name subscribed by the Authentication Officer of the said Department, at the city of Washington, in the District of Columbia, this 17th
day of December, 19 2003

Colin L. Powell
Secretary of State.
By Thomi G. Shellen
Authentication Officer, Department of State.



Issued pursuant to RS 161, 5 USC 22, RS 203, 5 USC 156; Sec. 1 of Act of June 25, 1948, 62 Stat. 946, 28 USC 1733; Sec. 4 of Act of May 26, 1949, 63 Stat. 111, 5 USC 151; 4 Secs. 104 and 332 of Act of June 27, 1932, c. 174 and 253, 6 USC 1104, 1443, and 5C 140.

This certificate is not valid if it is removed or altered in any way whatsoever

0827



United States Department of State

Washington, D.C. 20520

December 12, 2003

TO WHOM IT MAY CONCERN

I, Vanessa D. Washington, Acting Chief, Records Services Division, Office of Information Management and Liaison, Passport Services Directorate, United States Department of State, certify, under penalty of perjury, that as Acting Chief of the Records Services Division, I am custodian of passport files.

I further certify that the passport record attached hereto and listed below, consisting of one page, is a true copy of the original record in the custody of the Passport Services Directorate of the Department of State, that I am the custodian of this file, and that:

- A. The record attached to this certificate was made at or near the time of the issuance of a passport, or the occurrence of the matters set forth therein, by the person executing the record with knowledge of the information provided therein;
 - B. The record was kept in the course of regularly conducted activity under the authority of the Secretary of State to grant and issue passports; and,
 - C. The record was made during the regularly conducted activity as a regular practice under the authority of the Secretary of State to grant and issue passports.
1. Application for United States passport number [REDACTED] issued to Star David Arvizo on February 25, 2003, at the Los Angeles Passport Agency. [Released in Full]

I further state that this certification is intended to satisfy Rule 44, Federal Rules of Civil Procedure; Rule 27, Federal Rules of Criminal Procedure; and, Rule 902, Federal Rules of Evidence, under Title 28, United States Code Annotated.

Sincerely,

Vanessa D. Washington, Acting Chief
Records Services Division
Office of Information Management and Liaison
Passport Services

0828

PASSPORT REDACTED

PURSUANT TO CRC 2073





Exhibit “B”

Oxman & Jaroscak

14126 East Rosecrans Boulevard
Santa Fe Springs, California 90670
Tel: (562) 921-5058
Fax: (562) 921-2298

TO: Sharon Palmer-Royston FAX NO. (202) 663-2654
DATE: October 22, 2004 TIME: 9:00 a.m.
RE: Request for Interview with Passport Office Personnel PAGES:

Dear Ms. Palmer-Royston:

It was a pleasure to speak with you on the telephone yesterday. We are attorneys for Mr. Michael Jackson in the case of People v. Jackson, Santa Barbara Superior Court Case No. 1133603, which is now pending in the court in Santa Maria, California. We wish to interview personnel in the passport office located at 1100 Wilshire Boulevard, Los Angeles, CA, concerning a passport application made on February 18, 19, 20, or 25, 2003, by the following individuals:

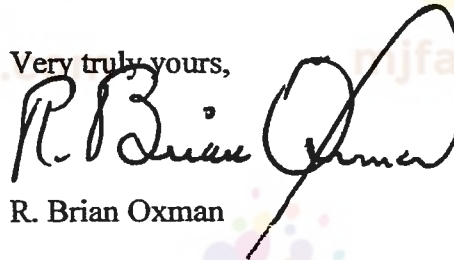
Davellin Arvizo,	Birth Date:	[REDACTED]	SSN:	[REDACTED]	US Passport	[REDACTED]
Gavin Arvizo,	Birth Date:	[REDACTED]	SSN:	[REDACTED]	US Passport	[REDACTED]
Star Arvizo,	Birth Date:	[REDACTED]	SSN:	[REDACTED]	US Passport	[REDACTED]
Janet Ventura-Arvizo,	Birth Date:	[REDACTED]	SSN:	[REDACTED]	US Passport	[REDACTED]

Accompanying this fax is a copy of the passport applications dated February 25, 2004, for these individuals. We would like to speak with the passport office personnel who assisted them in the application process. We would like to send our investigator Scott Ross to do the interviews

The reason for this request that these individuals claim they were forced to make passport applications on the dates in question. The personnel at the passport office would have witnessed the incident and be able to recount the actions of these individuals. We have received a report from new media reporters who tell us they have spoken to people in the passport office and they recall the incident in question and that Janet Arvizo was the person they recall.

I shall contact you to further discuss this matter.

Very truly yours,


R. Brian Oxman

RBO:ma
Attachment



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PURSUANT TO CRC 2073



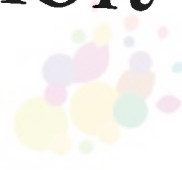


Exhibit “C”

Law offices of
Oxman & Jaroscak
14126 East Rosecrans Boulevard
Santa Fe Springs, California 90670
Tel: (562) 921-5058
Fax: (562) 921-2298

TO: Ms. Consuelo Pachan

FAX NO. (202) 663-2654

DATE: October 25, 2004

TIME: 1:30 p.m. PDST

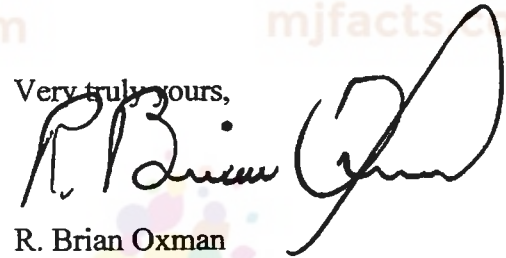
RE: Request for Interview with Passport
Office Personnel

PAGES:

Dear Ms. Pachan:

It was a pleasure to speak with you on the telephone today. Accompanying this fax is a copy of the fax we sent to Ms. Sharon Palmer-Royston on October 22, 2004. We appreciate your assistance, and if we could interview the employees in the LA Passport Office, we promise we will be quick at a time convenient to you without creating any disruption of normal work obligations.

Very truly yours,



R. Brian Oxman

RBO:ma
Enclosure