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11 MICHAEL JOE JACKSON

**FILED**  
SUPERIOR COURT of CALIFORNIA  
COUNTY of SANTA BARBARA

JAN 13 2005

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

*Unsealed pursuant  
to 6/16/05 court  
order*

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

15 THE PEOPLE OF THE STATE OF  
16 CALIFORNIA,

17 Plaintiff,

18 vs.

19 MICHAEL JOE JACKSON

20 Defendant.

) CASE NO. 1133603

) THOMAS A. MESEREAU, JR.'S REQUEST  
) TO MAKE A PUBLIC STATEMENT

) HEARING:

) DATE: JANUARY 13, 2005

) TIME: 3:00 P.M.

) Place: Dept. SM-2

**FILED UNDER SEAL & BY FAX**

1 On behalf of Mr. Michael J. Jackson ("Mr. Jackson"), lead counsel, Thomas A.  
2 Mesereau, Jr., respectfully requests that the Court permit him to make a public statement,  
3 which is attached hereto as Exhibit A. This statement has been prepared so as to avoid  
4 issues of concern in this criminal matter.

5 The defense learned this morning that the Grand Jury material has been "leaked" to  
6 the media. A true and correct copy of the ABC News article circulating on the Internet is  
7 attached hereto as Exhibit B.<sup>1</sup>

8 This article is an example of someone's attempt to poison the jury pool and inflame  
9 the public on the eve of trial. It is highly prejudicial to Mr. Jackson. Accordingly, Mr.  
10 Mesereau respectfully requests the Court to permit him to respond. The attached  
11 proposed statement is short, concise and consistent with the spirit and letter of this  
12 Court's Protective Order.

13  
14 DATED: January 13, 2005

Respectfully submitted,

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

18 Robert M. Sanger  
19 SANGER & SWYSEN

Brian Oxman  
OXMAN & JAROSCAK

20  
21 By:

  
22 Susan C. Yu  
23 Attorneys for Mr. MICHAEL J. JACKSON  
24  
25  
26

27 <sup>1</sup> A proposed Redacted version of Mr. Mesereau's Request to Make a Public statement is  
28 concurrently filed herewith. The only portion being redacted is Exhibit B, i.e., the ABC News  
article. This article is redacted because it is highly inflammatory and prejudicial to Mr. Jackson.

**EXHIBIT A**

**STATEMENT OF ATTORNEY THOMAS A. MESEREAU, JR.**  
**LEAD COUNSEL TO MR. MICHAEL JACKSON**

We strongly object to the self-serving "leak" of the Grand Jury testimony in this case. This Grand Jury material had been ordered sealed by Judge Melville in open court.

The witnesses who testified before the Grand Jury were never subjected to cross-examination or impeachment by the defense. By law, no judge or defense lawyer was allowed to be present in the Grand Jury room. Furthermore, the defense had no opportunity to call its own witnesses to refute or criticize this one-sided proceeding.

This case will be won in the courtroom and not through "leaks" in the media. When he has his day in court, Michael Jackson will be acquitted and vindicated.

**EXHIBIT B**



## Michael Jackson's Accuser, in His Own Words

**In Grand Jury Testimony, Boy and Family Talk About Sex Crime Allegations**

**Jan. 13, 2005** - The boy accusing Michael Jackson of child molestation has given a vivid, detailed account of his alleged sexual encounters with the pop star, according to grand jury testimony -- more than 1,900 pages -- reviewed by ABC News' "Primetime Live."

The witnesses include the boy, now 15, as well as his brother, sister and mother, and other key witnesses. The Santa Barbara County, Calif., grand jury consisting of 19 men and women, heard testimony from a total of 41 witnesses over 14 days last spring.

**Watch Cynthia McFadden's exclusive report on 'Primetime Live' on Thursday at 10 p.m. ET.**

The accuser, 14 at the time he testified, spoke:

"We were laying on the bed and he [Jackson] told me that men have to masturbate ... he told me that he wanted to teach me [to masturbate] ... so we were laying in the bed, and then he started rubbing me ... he put his hand down my pants and he started rubbing me ... my private area ... he was masturbating me." The prosecutor asked him, "Did you look over to see his eyes at any time?" The boy answered, "Yes."

"What did you see?" the prosecutor continued. "His eyes were like squinching [sic] really tight," the boy said.

### **Arm of the Prosecution**

Primetime co-anchor Cynthia McFadden, who read the entire grand jury testimony, says "it's important to remember a grand jury is an arm of the prosecution that is used to build a case and to obtain an indictment."

Witnesses are not cross-examined. Defense attorneys are not present. Prosecutors give an opening statement and a closing argument.

"It will also be important to cross-examine these witnesses and hear from witnesses for the defense," said McFadden.

The grand jury returned an indictment in April 2003 charging Jackson, 46, with child molestation and a conspiracy count alleging child abduction, false imprisonment and extortion.

The indictment also included four counts of lewd acts involving a minor child, one count involving an attempted lewd act upon a child and four counts of administering an intoxicating agent.

The alleged child abduction, false imprisonment and extortion are not individual charges but are alleged as the circumstances leading to the conspiracy count.

Jackson has pleaded not guilty. His representatives have said the entertainer is being falsely accused in an attempt to wring a financial settlement from him. Jury selection in the trial is set to begin Jan. 31.

ABC News contacted Jackson's lawyer, Thomas Mesereau, but due to a gag order, he declined to comment.

The following are some of the new details that emerge from the grand jury interviews.

#### **Accuser's Account of Alleged Sexual Encounters With Jackson**

Prosecutor: Did you ever talk to Mr. Jackson about those occasions where he masturbated you?

Accuser: No

Prosecutor: Did he say anything to you when he was masturbating you?

Accuser: No

Prosecutor: OK, [accuser's name], I'm going to ask you a very difficult question. Did you at any time touch Mr. Jackson?

Accuser: No. He -- he wanted me to, but I didn't. I said no and I pulled my hand away.

#### **Accuser Account of Alleged Incidents When Jackson Provided Him With Alcohol**

Prosecutor: Did you ever -- did you ever mention to Mr. Jackson that it probably wasn't a good idea for you to be drinking?

Accuser: Yes

Prosecutor: Tell us about that...

Accuser: Well, it wasn't really a good idea for me [sic] drinking because I only had one kidney, I only have one kidney. And so it harms my kidney for I drink that stuff [sic]. But he would just say, 'it's OK.' And he would just keep on telling me to drink.

#### **Accuser's Younger Brother on Activities That Allegedly Happened During the Private Plane Ride Back to California From Miami**

Prosecutor: Had you seen your brother with some kind of a can with liquor in it?

Accuser's younger brother: Yes

Prosecutor: Drinking during the trip?

Accuser's younger brother: Yes

Prosecutor: And was your brother acting weird at some points, too?

Accuser's younger brother: Yeah ...

Accuser's younger brother: ... He [Jackson] picked up the phone and he started dialing. And I guess somebody picked up and he's like ... 'We're having a consensus,' or something, 'And we just want to know how big your [female genitalia] is.' And then he hung up the phone.

**Accuser's Younger Brother's Account of Jackson's Alleged Behavior While Watching a Horror Movie Called 'The Devil's Backbone' While at Neverland Ranch**

Prosecutor: Did you see Michael walk into the room while you were watching the movie?

Accuser's younger brother: Yes

Prosecutor: How was he dressed?

Accuser's younger brother: He was nude ... he started to tell us it was natural ... it's just normal ...

Prosecutor: Could you tell whether or not his penis was erect? ...

Accuser's younger brother: It was. It was. He had [an erection].

**The Accuser's Younger Brother on the Entrance to Jackson's Bedroom**

Prosecutor: Now is there something about the room when you go into it that is unusual?

Accuser's brother: There's a bell. There's a sensor ... there's seven locks ...

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1 **PROOF OF SERVICE**

2 I, the undersigned, declare:

3 I am a citizen of the United States of America, am over the age of eighteen (18)  
4 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 January 13, 2005, I served the following document:

5 **THOMAS A. MESEREAU, JR.'S REQUEST TO MAKE A PUBLIC STATEMENT**

6 on the interested parties addressed as follows:

7 Thomas Sneddon, Esq., District Attorney  
8 Gerald Franklin, Esq.  
9 Ronald Zonen, Esq.  
10 Gordon Auchincloss, Esq.  
11 District Attorney's Office  
12 1105 Santa Barbara Street  
13 Santa Barbara, CA 93108  
14 FAX: (805) 568-2398

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

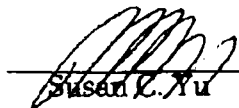
20   X   BY FACSIMILE: I served a copy of the within document on the above-interested  
21 parties, by way of a facsimile, at the facsimile numbers listed above.

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

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

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

28 Executed on January 13, 2005, at Los Angeles, California.

29   
30 \_\_\_\_\_  
31 Susan C. Yu