

FILED
SUPERIOR COURT of CALIFORNIA
COUNTY of SANTA BARBARA

APR 22 2005

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

15 THE PEOPLE OF THE STATE OF)
16 CALIFORNIA,)

17 Plaintiffs,)

18 vs.)

19 MICHAEL JOSEPH JACKSON,)
20)

21 Defendant.)
22)
23)
24)
25)
26)
27)
28)

Case No. 1133603

MR. JACKSON'S OPPOSITION TO THE
DISTRICT ATTORNEY'S MOTION TO
PRESENT THE TESTIMONY OF DEBBIE
ROWE

DATE: TBA
TIME: TBA
DEPT: SM-8

MR. JACKSON'S OPPOSITION TO THE DISTRICT ATTORNEY'S MOTION TO PRESENT THE
TESTIMONY OF DEBBIE ROWE

ORIGINAL

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 INTRODUCTION

3 After 8 weeks of testimony, the prosecution's case is finally sputtering to a close. Janet
4 Arvizo has not lived up to her billing, in Mr. Sneddon's opening statement, as a "somewhat
5 insecure." "somewhat dependent," and "easily influenced," crime victim. (RT 93:1-6.) Instead,
6 she has come off as a person who lies under oath for personal gain. Gavin and Star Arvizo,
7 despite their obvious coaching, were not able to tell consistent stories when it came to critical
8 details and were caught in some demonstrable whoppers. The jury as seen more than its share of
9 perjurers, disgruntled former employees and tabloid informants.

10 Now, with a week or so to go, the District Attorney has filed various motions seeking to
11 backload his case with salacious tales of innuendo. They go as far in this motion as to offer the
12 testimony of a scorned ex-wife who knows nothing about this case. The common denominator is
13 that this, and the other proffered, "evidence" have absolutely nothing to do with the current
14 charges against Mr. Jackson. It is a deliberate attempt to distract the jury from the utter failure to
15 prove the present case and to win by sheer prejudice against Mr. Jackson.

16 ARGUMENT

17 I.

18 THE COURT SHOULD EXCLUDE THE TESTIMONY OF DEBBIE ROWE

19 The proffered testimony of Debbie Rowe is completely irrelevant to the present case. The
20 District Attorney is seeking to embarrass Mr. Jackson by delving into his child custody litigation
21 in front of the jury. The prosecution has attempted to shoehorn Ms. Rowe's story, that she chose
22 to make positive comments about Mr. Jackson on the Maury Povich television program in hopes
23 of regaining visitation with her biological children, into a conspiracy theory. The District
24 Attorney wishes to use this testimony to show that Mr. Jackson used his own children "as pawns"
25 (Motion, page 3) to distract the jury. The Court should recognize the inherently prejudicial and
26 irrelevant nature of this testimony.

27 Ms. Rowe's statements in support of Mr. Jackson have not been introduced into evidence.
28

1 The Court has not allowed the defense to play the Maury Povich television program. Therefore,
2 there is simply no basis to impeach the statements of Ms. Rowe made off or on the show.

3 Furthermore, Debbie Rowe terminated her parental rights with regard to the children in
4 question. Evidence that she was told she could "see her kids if she gave the interview" is
5 irrelevant to this case. She had no legal right to visitation with those children at that time and
6 evidence that she was attempting to renegotiate visitation rights, with the help of an attorney, has
7 nothing to do with the allegations in this case. The fact that Iris Finsilver, Ms. Rowe's attorney,
8 was present during the filming of the rebuttal video, demonstrates that nothing untoward
9 occurred and that Ms. Rowe's participation in the video was not obtained through coercion.

10 Mr. Jackson's child custody situation has nothing to do with this case. The introduction
11 of the child custody arrangement between Mr. Jackson and Ms. Rowe would simply confuse the
12 jury and distract them from the task at hand. Such testimony could potentially require a mini-
13 trial of the issues that are present in Ms. Rowe's civil litigation with Mr. Jackson and would
14 cause the Court to consume undue time.

15 II.

16 CONCLUSION

17 For the above-stated reasons, the Court should exclude the proffered testimony.

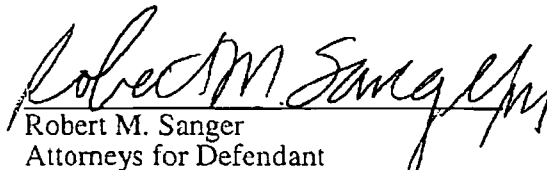
18 Dated: April 22, 2005

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24 By:


Robert M. Sanger
Attorneys for Defendant
MICHAEL JOSEPH JACKSON

PROOF OF SERVICE

I, the undersigned declare:

I am over the age of 18 years and not a party to the within action. I am employed in the County of Santa Barbara. My business address is 233 East Carrillo Street, Suite C, Santa Barbara, California, 93101.

On April 22, 2005. I served the foregoing document MR JACKSON OPPOSITION TO THE DISTRICT ATTORNEYS MOTION TO PRESENT THE TESTIMONY OF DEBBIE ROWE on the interested parties in this action by depositing a true copy thereof as follows:

Tom Sneddon
District Attorney
312 East Cook Street
Santa Maria, CA 93454

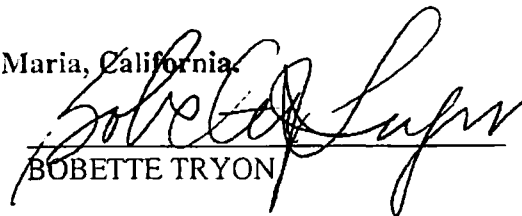
 BY U.S. MAIL - I am readily familiar with the firm's practice for collection of mail and processing of correspondence for mailing with the United States Postal Service. Such correspondence is deposited daily with the United States Postal Service in a sealed envelope with postage thereon fully prepaid and deposited during the ordinary course of business. Service made pursuant to this paragraph, upon motion of a party, shall be presumed invalid if the postal cancellation date or postage meter date on the envelope is more than one day after the date of deposit.

 BY FACSIMILE - I caused the above-referenced document(s) to be transmitted via facsimile to the interested parties [SEE ABOVE]

 X **BY HAND** - I caused the document to be hand delivered to the interested parties at the address above.

 X **STATE** - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed April 22, 2005 at Santa Maria, California.


BOBETTE TRYON