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County of Santa Barbara
2 By: RONALD J. ZONEN (State Bar No. 85094)
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FILED
SUPERIOR COURT of CALIFORNIA
COUNTY of SANTA BARBARA

MAY - 9 2005

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

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF SANTA BARBARA**
10 **SANTA MARIA DIVISION**

11
12 THE PEOPLE OF THE STATE OF CALIFORNIA,)

13 Plaintiff,)

14 v.)

15
16 MICHAEL JOE JACKSON,)

17 Defendant.)

No. 1133603

PLAINTIFF'S MOTION TO
LIMIT PROPOSED TESTIMONY
OF GAYLE GOFORTH AS A
WITNESS FOR THE DEFENSE

DATE: TBA
TIME: 8:30 a.m.
DEPT: TBA (Melville)

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20 TO: THE CLERK OF THE SUPERIOR COURT AND TO DEFENDANT AND HIS
21 COUNSEL:

22 PLEASE TAKE NOTICE that as soon as the matter may be heard, Plaintiff will
23 move the court for its order directing Defendant to limit the testimony his counsel elicits from
24 GAYLE GOFORTH, scheduled as a witness for the defense.

25 This motion is made on the ground that the proposed testimony of Ms. Goforth
26 appears to be irrelevant assassination of the character of Janet Arvizo, and is inadmissible for
27 that reason.

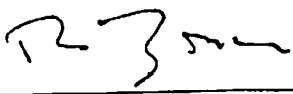
28 The motion will be based on this notice, the attached Declaration of Ronald J.

1 Zonen and the accompanying Memorandum of Points and Authorities.

2 DATED: May 9, 2005

3 Respectfully submitted,

4 THOMAS W. SNEDDON, JR.
5 District Attorney

6 By: 
7 Senior Deputy District Attorney

8 Attorneys for Plaintiff

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DECLARATION OF RONALD J. ZONEN

I, RONALD J. ZONEN, say:

1. I am a lawyer admitted to practice in all the courts of this state. I am employed as a Senior Deputy of the District Attorney of Santa Barbara County. I am one of the trial lawyers in the above-captioned matters.


2. Plaintiff has been informed the defense intends to call Gayle Goforth as a witness for Defendant.

3. I am informed Ms. Goforth is expected to testify that she had formerly been employed at Neverland Ranch as a house keeping supervisor. She is expected to testify that sometime in 2001, while Gavin was sick, Janet Arvizo approached her and asked for a job as a maid, saying she was desperate, did not have a home, was forced to live with her daughter while her boys lived with their father in a separate location. She was crying while she pleaded for a job and said she would sleep in her car near the ranch to accommodate her working there.

4. Aside from the fact that Ms Goforth's proposed testimony is significantly as odds with what seems to be uncontested evidence so far – Janet did not have a car, but did have both an apartment and a job at the time – the proposed testimony is at best marginally relevant but significantly prejudicial. Ms. Goforth will say she had to encourage Janet to return to her family in Los Angeles where she could be near her child's doctor, as if Janet's desire to be a seven dollar an hour maid at Neverland far outweighed her child's health care concerns.

5. Ms. Goforth's proposed testimony, even if true, has no apparent relevance to the contested issues in this lawsuit and appears calculated to degrade the victim's mother without offering any information probative to the issues at bench.

I declare under penalty of perjury that the foregoing is true, except as to matters stated upon information and belief, and as to such matters I believe it to be true. I execute this Declaration at Santa Maria on May 9 , 2005.



RONALD J. ZONEN

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 THE PROPOSED TESTIMONY OF GAYLE GOFORTH
3 DOES NOT APPEAR TO BE RELEVANT TO ANY
4 DISPUTED ISSUE IN THIS CASE. IF, AS SEEMS TO
5 BE TRUE, IT WILL BE OFFERED TO ASSASSINATE
6 THE CHARACTER OF JANET ARVIZO, IT IS
7 INADMISSIBLE

8 1. Statutory Limitations

9 Evidence Code section 1101 provides, in part, that “(a) Except as provided in this
10 section and in Sections 1102, 1103, 1108, and 1109, evidence of a person’s character or a trait
11 of his or her character (whether in the form of an opinion, evidence of reputation, or evidence
12 of specific instances of his or her conduct) is inadmissible when offered to prove his or her
13 conduct on a specified occasion.”

14 The provisions of Evidence Code section 1101 survived the enactment of
15 Proposition 8 in 1982. (*People v. Felix* (1999) 70 Cal.App.4th 426, 431-432.)

16 2. There Is No Apparent Relevance To The
17 Proposed Testimony. Other Than To Attack
18 The Character of Janet Arvizo

19 It is true that “Except as otherwise provided by statute, all relevant evidence is
20 admissible.” (Evid. Code, § 351.) It is equally true that “No evidence is admissible except
21 relevant evidence.” (Evid. Code. § 350.)

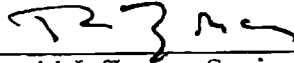
22 The proposed testimony of Gayle Goforth has no apparent relevance to any fact put
23 in issue by the prosecution. Unless defense counsel satisfies the Court that the proposed
24 testimony is relevant to and illuminates a disputed issue in this case, defendant should be
25 ordered not to elicit it from Ms. Goforth.

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27 /////
28 /////

1 DATED: May 9, 2005

2 Respectfully submitted,

3 THOMAS W. SNEDDON, JR.
4 District Attorney

5 By: 
6 Ronald J. Zonen, Senior Deputy

7 Attorneys for Plaintiff
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3 **PROOF OF SERVICE**

4 STATE OF CALIFORNIA }
5 COUNTY OF SANTA BARBARA } SS

6 I am a citizen of the United States and a resident of the County aforesaid; I am over
7 the age of eighteen years and I am not a party to the within-entitled action. My business
8 address is: District Attorney's Office; Courthouse; 1112 Santa Barbara Street, Santa Barbara,
9 California 93101.

10 On May ____, 2005, I served the within PLAINTIFF'S MOTION TO LIMIT
11 PROPOSED TESTIMONYH OF GAYLE GOFORTH AS A WITNESS FOR THE DEFENSE
12 on Defendant, by THOMAS A. MESEREAU, JR. and ROBERT SANGER, by personally
13 serving a true copy thereof on them in open court.

14 I declare under penalty of perjury that the foregoing is true and correct.

15 Executed at Santa Maria, California on this ____ day of May, 2005.
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SERVICE LIST

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13 Co-counsel for Defendant
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