

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

JAN 31 2005

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

1 THOMAS W. SNEDDON, JR., DISTRICT ATTORNEY  
County of Santa Barbara  
2 By: RONALD J. ZONEN (State Bar No. 85094)  
Senior Deputy District Attorney  
3 J. GORDON AUCHINCLOSS (State Bar No. 150251)  
Senior Deputy District Attorney  
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Senior Deputy District Attorney  
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Santa Barbara, CA 93101  
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*\* Unsealed pursuant  
to 1/11/05 Court  
Order*

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

11 THE PEOPLE OF THE STATE OF CALIFORNIA,  
12 Plaintiff,  
13  
14 v.  
15 MICHAEL JOE JACKSON,

16 Defendant.

No. 1133603

PLAINTIFF'S MOTION TO  
LIMIT ANY REFERENCE BY  
DEFENSE COUNSEL TO JANE  
DOE'S USE OF (OR FAILURE TO  
USE) "PSYCHIATRIC  
MEDICATION"

DATE: February 10, 2005  
TIME: 9:30 a.m.  
DEPT: TBA (Melville)

**UNDER SEAL**

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

22 PLEASE TAKE NOTICE that on February 10, 2005, Plaintiff will move the court  
23 for its order limiting counsel in their references to "Janet Arvizo's medication."

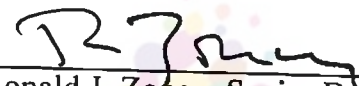
24 The motion will be based on this notice and the accompanying Memorandum of  
25 Points and Authorities.

26 ////  
27 ////  
28 ////

1 DATED: January 31, 2005

2 Respectfully submitted,

3 THOMAS W. SNEDDON, JR.  
4 District Attorney

5 By:   
6 Ronald J. Zonen, Senior Deputy

7 Attorneys for Plaintiff

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 DEFENSE COUNSEL PROPERLY MAY INQUIRE WHETHER  
3 JANE DOE WAS USING DRUGS DURING THE TIME SHE  
4 WAS A WITNESS TO THE EVENTS ALLEGED AS RELEVANT  
5 TO THE INSTANT PROCEEDINGS – AND, IF SO, WHAT DRUGS.  
6 COUNSEL MAY NOT PROPERLY EXPAND THAT INQUIRY TO  
7 ASK JANE DOE WHETHER SHE WAS NOT TAKING DRUGS HE  
8 MAY REGARD AS USEFUL IN THE TREATMENT OF CERTAIN  
9 PSYCHIATRIC CONDITIONS, SO AS TO CONVEY TO THE JURY  
10 HIS BELIEF SHE WAS AFFLICTED WITH THOSE CONDITIONS.

11 The defense seeks to question Jane Doe about whether she was using drugs during  
12 the time of the events occurring at Neverland. Their contention, as stated in their “Opposition  
13 to District Attorney’s Motion In Limine Re: Evidence Code Section 402 Issues” is that she was  
14 on medications, or should have been.

15 “Janet Arvizo’s medication is relevant because her taking it or failure to take it  
16 would have a significant effect on her behavior. . . . Evidence that Janet Arvizo was not  
17 leaving her quarters at Neverland because she was in a drug induced haze, would be proper  
18 impeachment material to refute the allegation that she was falsely imprisoned. If Janet Arvizo  
19 testifies, as she did before the grand jury, that she saw improper behavior, but, at the time,  
20 thought it may have been a hallucination, the fact that she was taking psychiatric medication, or  
21 failed to take psychiatric medication, is relevant to her ability to perceive and recollect.”

22 (Motion 4:10-18.)

23 It is relevant to ask Jane Doe if she was taking medications at the time that might  
24 interfere with her ability to adequately recall events.

25 Plaintiff anticipates Mrs. Doe will answer she was not; that she was taking no  
26 medications during the times in question, nor is she taking them now. She took pain  
27 medications briefly after the “C-section” delivery of her forth child in July of 2004. She has, in  
28 the past, taken medications for depression. She stopped when her child became ill, fearful that  
the medications would interfere with her ability to care for him.

1 It would be improper to use her denial that she was taking mind-altering medication  
2 during the events in question as the basis for questions why she was not taking drugs, the  
3 assumed premise for which is that she was clearly "schizophrenic" at the time.

4 As we have separately argued in our Motion to Limit Introduction of Evidence of  
5 Prior Litigation, the schizophrenic diagnosis came from a psychiatrist retained by JCPenney.  
6 That diagnosis is inconsistent with his report, which contains only a diagnosis of "depression"  
7 and nothing else.

8 DATED: January 31, 2005

9 THOMAS W. SNEDDON, JR.  
10 District Attorney

11 By:   
12 Ronald J. Zoren, Senior Deputy

13 Attorneys for Plaintiff

1 **PROOF OF SERVICE**

2  
3 STATE OF CALIFORNIA  
4 COUNTY OF SANTA BARBARA } SS

5  
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 January 31, 2005, I served the within PLAINTIFF'S MOTION TO EXCLUDE  
11 ANY REFERENCE BY DEFENSE COUNSEL TO JANE DOE'S USE OF (OR FAILURE  
12 TO USE) "PSYCHIATRIC MEDICATION" on Defendant, by THOMAS A. MESEREAU,  
13 JR., ROBERT SANGER and BRIAN OXMAN, by personally delivering a true copy thereof to  
14 the attorney representing Defendant in the jury selection proceedings in court.

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

16 Executed at Santa Maria, California on this 31st day of January, 2005.

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**SERVICE LIST**

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