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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA BARBARA

APR 15 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, } No. 1133603
13 Plaintiff, }
14 v. } PLAINTIFF'S SUPPLEMENTAL
15 MICHAEL JOE JACKSON, } MOTION FOR THE ADMISSION
16 Defendant. } OF ADDITIONAL EVIDENCE
17 } PURSUANT TO EVIDENCE CODE
18 } SECTION 1108 AND 1101(b)
19 } Date: TBA
20 } Time: TBA
21 } Dept.: SM2 (Melville)

22 **I. INTRODUCTION**

23 On December 20, 2004, the people filed a motion seeking the admission of
24 evidence of prior sexual acts of the defendant pursuant to Evidence Code section 1108 and
25 1101(b). On March 24, 2005, the Court ruled the testimony of certain witnesses, including
26 Ralph Chacon, were admissible.

27 On April 7, 2005, former Jackson security guard, Ralph Chacon, testified before
28 the jury and described several incidents involving sexual acts perpetrated by the defendant
Jackson with certain young boys.

For purposes of this motion, the incidents described by Ralph Chacon in his

1 testimony will be referred to as the "bathroom," "the Arcade" and "the Peter Pan display"
2 incidents.

3 By this motion, the People seek to admit the testimony of security guard Kassim
4 Abdool, who was present and worked with the witness Chacon on the night of the incidents
5 described by Mr. Chacon.

6 **II. KASSIM ABDOOL'S PROPOSED TESTIMONY**

7 Mr. Kassim Abdool began his employment at Neverland Valley Ranch around
8 June of 1991, as a security guard. He terminated his employment in 1994. He was in charge
9 of the graveyard shift and he supervised security guard Ralph Chacon.

10 During the graveyard shift in either 1992 or 1993, he saw the defendant and the
11 child known to him as "Jordie" exit the main residence in swimming trunks and go into the
12 Jacuzzi.

13 Later he heard Jackson yell, "Security." "Security." Eventually, Bucky, the
14 Chef, delivered drinks to Jackson and the child.

15 Later, he saw the defendant and Jordie walking in their swimming trunks and
16 enter the males restroom connected to the recreation room. After approximately 45 minutes, he
17 saw Jackson and Jordie exit the restroom. He observed Jackson carrying Jordie "piggyback"
18 style from the restroom to the house. Jackson was wearing a robe or towel around his waist
19 and Jordie a towel-like robe over his body. He could not see whether the child was naked or
20 not.

21 When Jackson and the child entered Jackson's house, he heard Jackson double
22 lock the door. Based on his experience, this was highly unusual behavior by defendant Jackson
23 as the security guards were routinely responsible for locking up the main residence.

24 After Jackson and Jordie entered the house, he went to the recreation room and
25 restrooms to turn out the lights. He entered the same men's restroom that Jackson and Jordie
26 had earlier entered and exited. Upon entering, he observed the floor to be wet and two wet
27 bathing trunks on the ground. The trunks were side by side.

28 Later that evening, Mr. Abdool and Mr. Chacon were making their rounds and

1 discovered a set of French doors open and unlocked. When he asked Chacon to enter the
2 residence to check the area, Mr. Chacon refused. Mr. Chacon continued to object and even
3 ignored a direct order to enter the house. Mr. Abdool found this very unusual as Chacon was
4 always a very obedient security guard. The French door incident was reported to their
5 supervisor Lt. Jim Wade.

6 On another occasion, also on the graveyard shift, he saw Jackson and Jordie
7 return Jackson's "Moon Rover" golf cart. He saw Jackson and Jordie looking at a Peter Pan
8 display near the breezeway connecting the house to the adjacent building housing Jackson's
9 office. Jackson was positioned behind Jordie. Abdool briefly glimpsed Jackson hug the child.
10 As soon as defendant put his hands around Jordie, he walked off. What he saw was a two-
11 second glimpse.

12 On another occasion, he believes during 1993, he and Mr. Chacon were in the
13 security office. Jackson called Abdool and asked him to go to Jackson's car and get a jar of
14 Vaseline from the center console of the vehicle and bring it to his bedroom.

15 Chacon and Abdool opened the unlocked door of the black SUV, retrieved the
16 Vaseline and headed for Jackson's bedroom. When Jackson opened the door to his bedroom,
17 Jackson was wearing only his pajama bottoms, appeared sweaty, aroused and Abdool observed
18 Jackson to have an erection under his pajama bottoms. There was a young boy, who he
19 believed was Jordie, in the bedroom with Mr. Jackson.

20 On May 9, 1994, Mr. Abdool appeared before the L.A. Grand Jury and testified
21 about the "bathroom" and "the Peter Pan" incidents.

22 He also testified at the Grand Jury he was frightened about cooperating with the
23 Grand Jury. He described the atmosphere at the ranch as one of "intimidation" from the armed
24 security Jackson had recently brought to the ranch. Mr. Abdool requested law enforcement
25 explore the possibility of the Witness Protection Program for him and his family. Later, after
26 his Grand Jury testimony, he received numerous death threats.

27 Prior to Mr. Abdool's testimony before the Grand Jury, he was contacted by
28 attorneys Steve Cochran and Robert Sanger. He met with them in Mr. Sanger's office. The

1 attorneys wanted to provide transportation, hotel accommodations and legal representatives for
2 him and Chacon in connection with their trip to Los Angeles to testify.

3 Attorney Cochran further requested to know what Mr. Abdool would say before
4 the Grand Jury. He declined to tell them and declined their offered services.

5 Several days later, Mr. Abdool was contacted by Bill Bray. Bray told Abdool his
6 four-month old proposal for pay raises for him and other security guards was suddenly
7 approved. His salary was raised from \$1,760 a month to approximately \$3,300 a month

8 III. DISCUSSION

9 Rather than repeat the legal authorities and analysis previously submitted in
10 connection with the People's original Evidence Code section 1108 and 1101(b) motion, we
11 request the Court consider those materials incorporated by reference into this motion.

12 Mr. Abdool's offer of proof covers three incidents. Two of the three incidents
13 relate directly to observations and events already ruled admissible by the Court and presented
14 through the testimony of security guard Ralph Chacon.

15 Mr. Abdool's proposed testimony bears directly upon his participation and
16 independent observations made as to the conduct and behavior of the defendant Jackson in the
17 restroom with the young boy. He observed the defendant and the young boy enter the Jacuzzi.
18 He later observed them enter the restroom clad only in bathing trunks. Approximately 45
19 minutes later he saw the defendant exit the restroom with the young boy mounted on his
20 shoulders or back, "piggyback" style. He continued to watch Jackson carry the child into the
21 main residence and heard the door lock. All of these observations are entirely consistent with
22 the account testified to by Ralph Chacon.

23 Mr. Abdool's subsequent entry into the same restroom area and observation of
24 the two wet trunks lying side-by-side on a wet floor not only constitute strong circumstantial
25 evidence of the defendant's misconduct, it also constitutes further corroborative and
26 confirming evidence of the defendant's misconduct with the young boy as outlined in Ralph
27 Chacon's testimony.

28 Similarly, Mr. Abdool's observations placing Jordan Chandler and the defendant

1 together viewing the Peter Pan display also corroborates Mr. Chacon's testimony. Whether the
2 momentary glimpse of Jackson placing his arms around the young boy constitutes conduct
3 within the purview of 1108, it is nonetheless admissible to demonstrate the presences of the
4 two together and in the setting and relationship as described by Ralph Chacon.

5 The third incident described in Mr. Abdool's offer of proof also involves the
6 child Jordan Chandler. Chandler was observed arriving with Jackson in Jackson's SUV.
7 Chandler is in Jackson's bedroom when Abdool was requested to obtain the Vaseline and bring
8 it to Jackson.

9 Abdool's observations of the sweating, aroused, penis-erect Jackson with a
10 young boy in the room, is strong circumstantial evidence of the type of propensity evidence
11 favored by Evidence Code section 1108.


12 **IV. CONCLUSION**

13 In light of Mr. Chacon's testimony placing the "restroom" and "the Peter Pan
14 display" incidents before the jury, the proposed testimony of Kassim Abdool is admissible as
15 direct evidence of his observations corroborating the testimony of Ralph Chacon as to the
16 setting and events described by Chacon. That portion of his proposed testimony dealing with
17 his observations in the restroom and the admissibility as circumstantial evidence of the
18 defendant's misconduct.

19 The third incident should be admitted pursuant to evidence code section 1108
20 and 1101(b).

21 DATED: April 15, 2005

22 Respectfully submitted,

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24 THOMAS W. SNEDDON, JR.
25 District Attorney

26 Attorney for Plaintiff
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PROOF OF SERVICE

STATE OF CALIFORNIA
COUNTY OF SANTA BARBARA } SS

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

On April 15, 2005, I served the within PLAINTIFF'S SUPPLEMENTAL MOTION FOR THE ADMISSION OF ADDITIONAL EVIDENCE PURSUANT TO EVIDENCE CODE SECTION 1108 AND 1101(b), on Defendant, by THOMAS A. MESEREAU, JR., ROBERT SANGER, and BRIAN OXMAN by personally delivering a true copy thereof to counsel in court. I declare under penalty of perjury that the foregoing is true and correct.

Executed at Santa Barbara, California on this 15th day of April, 2005.


Thomas W. Sneddon, Jr.

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