

1 **COLLINS, MESEREAU, REDDOCK & YU**  
2 Thomas A. Mesereau, Jr., State Bar Number 091182  
3 Susan C. Yu, State Bar Number 195640  
4 1875 Century Park East, 7<sup>th</sup> Floor  
5 Los Angeles, CA 90067  
6 Tel.: (310) 284-3120, Fax: (310) 284-3133

7 **SANGER & SWYSEN**  
8 Robert M. Sanger, State Bar Number 058214  
9 Stephen K. Dunkle, State Bar Number 227136  
10 233 East Carrillo Street, Suite C  
11 Santa Barbara, CA 93101  
12 Tel.: (805) 962-4887, Fax: (805) 963-7311

13 Attorneys for Defendant  
14 **MICHAEL JOSEPH JACKSON**

15 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
16 FOR THE COUNTY OF SANTA BARBARA, COOK DIVISION

17 THE PEOPLE OF THE STATE OF CALIFORNIA,

18 Plaintiffs.

19 vs.

20 MICHAEL JOSEPH JACKSON,

21 Defendant.

) Case No. 1133603

) EXHIBITS IN SUPPORT OF OPPOSITION  
) TO DISTRICT ATTORNEY'S MOTION TO  
) EXCLUDE HEARSAY TESTIMONY OF  
) DEFENSE WITNESS MICHAEL VINER  
) PURSUANT TO EVIDENCE CODE  
) SECTION 352

) Honorable Rodney S. Melville  
) Date: TBD  
) Time: 8:30 am  
) Dept: SM 8

22  
23  
24 A true and correct copy of the transcript of Larry Feldman's testimony on cross-examination,  
25 regarding Michael Viner, is attached as Exhibit A. A true and correct copy of the transcript of Mr.  
26 Feldman's testimony on re-direct examination, regarding Mr. Viner, is attached as Exhibit B. A true  
27

28 EXHIBITS IN SUPPORT OF OPPOSITION TO DISTRICT ATTORNEY'S MOTION TO EXCLUDE HEARSAY  
TESTIMONY OF DEFENSE WITNESS MICHAEL VINER PURSUANT TO EVIDENCE CODE SECTION 352

**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

1 and correct copy of Scott Ross' interview of Michael Viner is attached as Exhibit C.


2 Respectfully submitted,

3  
4 Dated: May 9, 2005

5 COLLINS, MESEREAU, REDDOCK & YU  
6 Thomas A. Mesereau, Jr.  
7 Susan C. Yu

8 SANGER & SWYSEN  
9 Robert M. Sanger  
10 Stephen K. Dunkle

11 For By:

12   
13 Robert M. Sanger  
14 Attorneys for Defendant  
15 MICHAEL JOSEPH JACKSON

16  
17  
18  
19  
20  
21  
22  
23  
24 EXHIBITS IN SUPPORT OF OPPOSITION TO DISTRICT ATTORNEY'S MOTION TO EXCLUDE HEARSAY  
25 TESTIMONY OF DEFENSE WITNESS MICHAEL VINER PURSUANT TO EVIDENCE CODE SECTION 352



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com

**EXHIBIT A**

4/1/05

CROSS-EXAMINATION OF LARRY FELDMAN

1 the picture.

2 THE COURT: Objection sustained.

3 MR. MESEREAU: Let me just take a second,

4 Your Honor, just to look at my notes.

5 THE COURT: Yes.

6 Q. BY MR. MESEREAU: Mr. Feldman, do you

7 remember telling two individuals, Michael Viner and

8 Larry King, that Janet is making up these

9 allegations?

10 A. Absolutely not. Are you kidding?

11 Q. Do you remember meeting with those two

12 individuals at The Grill in Beverly Hills?

13 A. No. Never met with them.

14 Q. Do you know who Michael Viner is?

15 A. I couldn't pick him out. I know who he is.

16 I think the answer is I wouldn't know him if he was

17 sitting in the jury box. But I know who he is by

18 name. He's -- he's a publisher or something, or a

19 writer, or -- I don't know. Viner Books, right?

20 Something like that.

21 I certainly know who Larry King is.

22 Q. You did have a meeting with him and Larry

23 King, right?

24 A. I have never had a meeting with Michael

25 Viner in my life.

26 Q. So approximately nine months ago, you didn't

27 meet with Mr. King and Mr. Viner, correct?

28 A. I absolutely have never had a meeting with

4596



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com

**EXHIBIT B**



4/1/05

RE-DIRECT OF LARRY FELDMAN

1 Michael Viner in my life.

2 Q. Okay. And did you ever tell Larry King that

3 these allegations against Mr. Jackson are false?

4 A. Absolutely not.

5 MR. MESEREAU: I have no further questions.

6 THE WITNESS: I don't even know.

7 MR. MESEREAU: Okay.

8 THE WITNESS: The proverbial answer.

9

10 REDIRECT EXAMINATION

11 BY MR. SNEDDON:

12 Q. Mr. Feldman, let's go back to the -- and

13 clarify something, if we can.

14 You were involved at one time in the

15 dependency court involving a case where there was a

16 baby who was alleged to have been abused; is that

17 correct?

18 A. Correct.

19 Q. And was the abuse, the nature of the abuse

20 in that case sexual or physical?



mjfacts.com



mjfacts.com



mjfacts.com

1 THE COURT: You may answer "yes" or "no."

2 THE WITNESS: I mean, I can't --

3 THE COURT: "Yes" or "no."

4 Q. BY MR. SNEDDON: You have to lean into the

5 microphone.

6 A. Oh.

7 THE COURT: Do you want the question?

8 THE WITNESS: Well, yes, and no, Your Honor.

9 I mean. I remember the substance.

10 Q. BY MR. SNEDDON: Okay. To your knowledge,

11 after the case of Chandler versus Jackson was

12 resolved, did your client, Jordan Chandler, ever

13 appear before a grand jury?

14 MR. MESEREAU: Objection. Leading; beyond

15 the scope.

16 THE COURT: Overruled.

17 You may answer.

18 THE WITNESS: To my knowledge, he never

19 appeared before a grand jury.

20 Q. BY MR. SNEDDON: Now, you were asked by --

mjfacts.com

mjfacts.com



21 just before Mr. Mesereau finished his examination,  
22 about a purported conversation between you and Mr.

23 King and Mr. Viner, or Veener?

24 A. Viner.

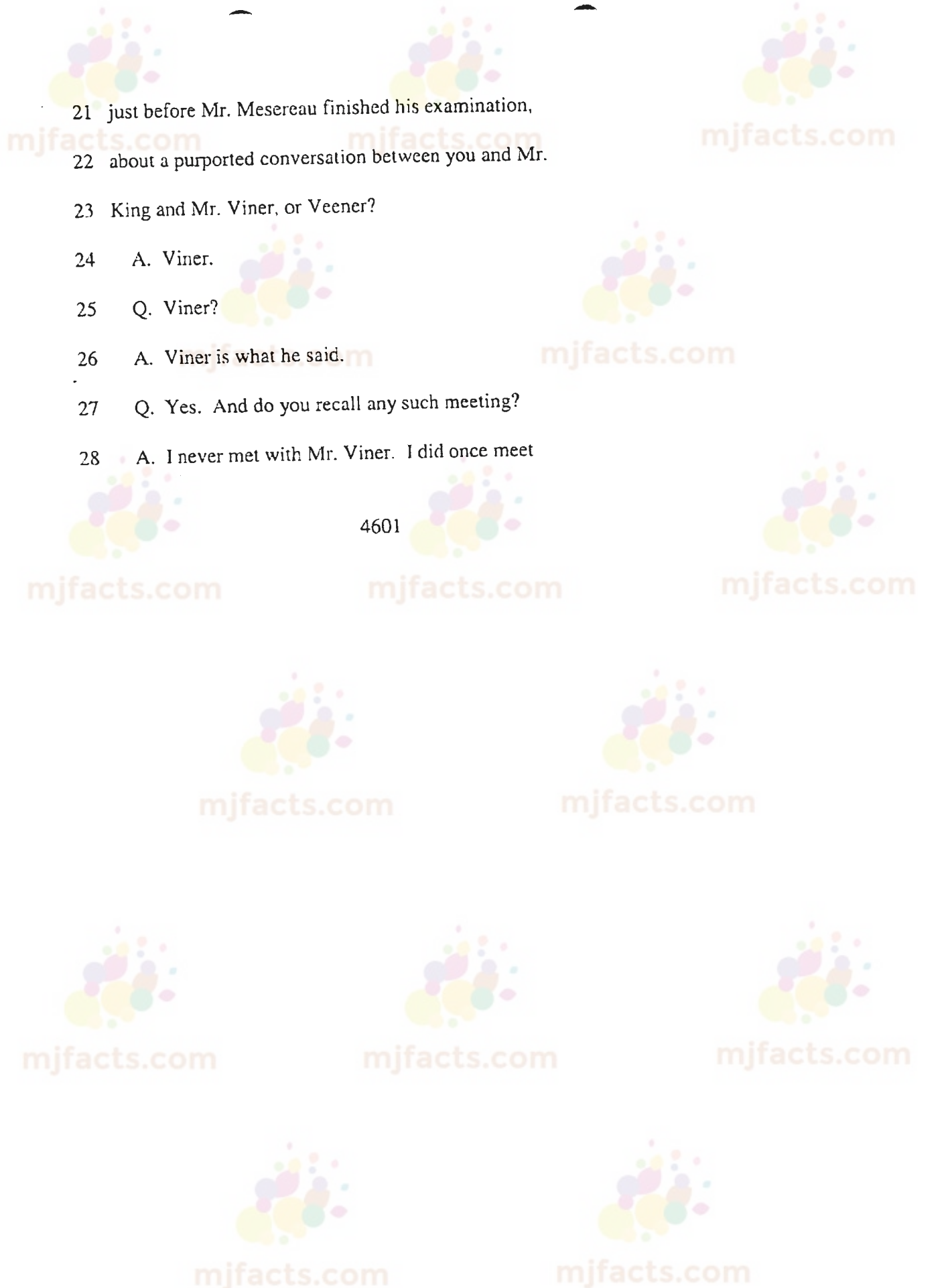
25 Q. Viner?

26 A. Viner is what he said.

27 Q. Yes. And do you recall any such meeting?

28 A. I never met with Mr. Viner. I did once meet

4601





mjfacts.com



mjfacts.com



mjfacts.com

1 with Mr. King. I do remember meeting with Mr. King,

2 but I can tell you there wasn't a meeting with

3 Viner.

4 Q. Were there other people present?

5 A. Well, we were in the delicatessen in Beverly

6 Hills, so there were a lot of other people around.

7 Q. Where -- were you having breakfast, lunch,

8 dinner? You were in a deli, I assume you were

9 eating.

10 A. I was having breakfast with his -- with a

11 producer from their show, who --

12 Q. Whose show?

13 A. Larry King's show, and he was sitting at a

14 table, like over here, with --

15 Q. Indicating to your right?

16 A. Right. With six of his pals that he had

17 breakfast with.


18 Q. And were you with somebody else?

19 A. Yes.

20 Q. Who were you with?

mjfacts.com

mjfacts.com



21 A. I was with his producer.

22 Q. Who is?

23 A. Whose name was, or is, Nancy Baker, I think

24 her name was.

25 Q. Is that the only time you ever recall being

26 in any kind of close proximity with Mr. Viner?

27 A. Well, I'm not even sure he was one of these

28 guys. I didn't have any discussion with any of



4602



mjfacts.com

mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com

1 those guys about anything. I can tell you. They  
2 were trying to get me to come on their show. That's  
3 all we ever possibly talked about, is -- I knew Mr.  
4 King. I've run into him since this, I mean, at  
5 different events.

6 Q. By "Mr. King," you're talking about Larry  
7 King?

8 A. Right.

9 Q. The guy's on --

10 A. We say hello to each other. We see each  
11 other. Talk to each other. Never having talked  
12 about this case, and they did want me to come on  
13 their program. I mean, I do remember them talking  
14 to me about that.

15 But I can tell you that I didn't tell them,  
16 and I didn't tell anybody else. anything about what  
17 anybody tells me. because it is absolutely  
18 privileged, and it would be absolutely improper.

19 And if anybody says that, that person is lying.

20 Can't make it clearer than that.

mjfacts.com

mjfacts.com

21 Q. Let me just ask you a couple other  
22 questions, or at least one other question about the  
23 Chandler versus Jackson lawsuit.

24 You indicated in response to one of Mr.  
25 Mesereau's questions that the defendant in that  
26 case, which would have been Mr. Jackson, were the  
27 ones who wanted the parents to share in the  
28 financial or monetary settlement of the case?

4603



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com

**EXHIBIT C**



mjfacts.com

mifacts.com

mjfacts.com

Memorandum

Re: Interview  
By: S. Ross  
Subject: Michael Viner

Michael Viner

Viner was interviewed at his home office on April 26, 2005. Viner and Larry King are close friends and have breakfast regularly at Nate and Al's Deli in Beverly Hills.

Viner related a time, about four to six months before the beginning of this trial, when Larry Feldman contacted Larry King and asked to meet with him for breakfast. King invited Feldman to the regular breakfast he has with Viner and other friends.

According to Viner, Feldman wanted the meeting to solicit Larry King to act as an expert commentator during the trial, on King's show.<sup>1</sup> During the meeting, Viner recalled that Feldman had referred to the mother as "a flake" and said he did not believe the boy. Feldman added that he sent the mother and the boy out to "another expert and they failed the smell test."<sup>2</sup>

Feldman added that he did not believe them and they were into this case for one reason, "money." When I asked Viner if Feldman actually said that, he replied, "Absolutely."

Additionally, I advised Viner that Feldman had testified that he did not know Viner. Viner said that was not true, that they had met several times adding that Viner is friends with Robert Shapiro, and knows that Shapiro represented Feldman in the past. Viner has no idea why Feldman would say such a thing.

<sup>1</sup> When I served Larry King, he indicated this as well, but referred me to Bert Fields for additional information.

<sup>2</sup> Viner did not know the name of this "expert."

MJ040631

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 May 9, 2005, I served the foregoing document EXHIBITS IN SUPPORT OF OPPOSITION TO DISTRICT ATTORNEY'S MOTION TO EXCLUDE HEARSAY TESTIMONY OF DEFENSE WITNESS MICHAEL VINER PURSUANT TO EVIDENCE CODE SECTION 352 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  
568-2398

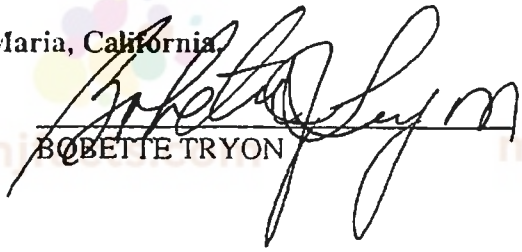
       BY U.S. MAIL - I am readily familiar with the firm's practice for collection of mail and processing of correspondence for mailing with the United States Postal Service. Such correspondence is deposited daily with the United States Postal Service in a sealed envelope with postage thereon fully prepaid 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.

  X   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 May 9, 2005 at Santa Maria, California.

  
BOBETTE TRYON