

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

5 SANGER & SWYSEN
Robert M. Sanger, State Bar Number 058214
Stephen K. Dunkle, State Bar Number 227136
6 233 East Carrillo Street, Suite C
Santa Barbara, CA 93101
7 Tel.: (805) 962-4887, Fax: (805) 963-7311

8 Attorneys for Defendant
MICHAEL JOSEPH JACKSON
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FILED
SUPERIOR COURT of CALIFORNIA
COUNTY of SANTA BARBARA

MAY 23 2005

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

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 FOR THE COUNTY OF SANTA BARBARA, COOK DIVISION
12

13 THE PEOPLE OF THE STATE OF CALIFORNIA,

14 Plaintiffs,

15 vs.

17 MICHAEL JOSEPH JACKSON,

18 Defendant.
19
20

) Case No. 1133603

) MOTION TO LIMIT INQUIRIES OF JAY
) LENO REGARDING OPINION AND
) SPECULATION

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

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22 TO THE CLERK OF THE ABOVE-ENTITLED COURT AND TO THE DISTRICT
23 ATTORNEY OF THE COUNTY OF SANTA BARBARA, TOM SNEDDON, AND DEPUTY
24 DISTRICT ATTORNEYS GERALD FRANKLIN, RON ZONEN, GORDON AUCHINCLOSS
25 AND MAG NICOLA:

26 Please take notice that the Defendant does hereby move and will further move on a date
27 determined by the Court, at 8:30 a.m., or as soon thereafter as counsel may be heard in
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MOTION TO LIMIT INQUIRIES OF JAY LENO REGARDING OPINION AND SPECULATION

ORIGINAL

1 Department 8 of the above entitled court, for an order prohibiting inquiries of witness Jay Leno
2 with regard to statements made to Detective Craig Bonner in a recorded interview, and for such
3 other and further relief as the Court may deem just and proper. In particular, the Court should
4 prohibit questioning regarding Mr. Leno's statements that he "think[s] Michael Jackson is
5 guilty," that he thinks the prosecution "has a good case," and his speculation regarding the
6 amount of evidence against Mr. Jackson. This motion is made, pursuant to Evidence Code
7 Section 352, on the grounds that Mr. Leno's statements are not probative, and that cross-
8 examination regarding the statements would consume undue time and would tend to create
9 substantial danger of undue prejudice.

10 This motion is based on this Notice of Motion, and the Memorandum of Points and
11 Authorities attached hereto, the papers, records and files in this case, and such other matters as
12 may be received by the Court at or after the hearing scheduled on this motion.

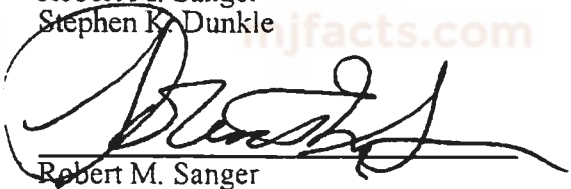
13 Dated: May 23, 2005

14 Respectfully submitted,

15 COLLINS, MESEREAU, REDDOCK & YU
16 Thomas A. Mesereau, Jr.
Susan C. Yu

17 SANGER & SWYSEN
18 Robert M. Sanger
Stephen K. Dunkle

19
20 By:


21 Robert M. Sanger
22 Attorneys for Defendant
MICHAEL JOSEPH JACKSON

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MOTION TO LIMIT INQUIRIES OF JAY LENO REGARDING OPINION AND SPECULATION

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 ARGUMENT

3 I.

4 THE COURT SHOULD LIMIT INQUIRIES OF MR. LENO REGARDING: (1) HIS
5 OPINION OF MR. JACKSON'S INNOCENCE OR GUILT; (2) HIS OPINION OF THE
6 STRENGTH OR WEAKNESS OF THE PROSECUTION'S CASE; AND (3) HIS
7 SPECULATION REGARDING THE AMOUNT OF EVIDENCE POSSESSED BY THE
8 PROSECUTION

9 Jay Leno has been subpoenaed to appear as a percipient witness to the activities of the
10 Arvizo family. Mr. Leno was interviewed by Detective Craig Bonner regarding his interaction
11 with Janet and Gavin Arvizo. It is expected that he will testify that he received a telephone call
12 from Janet Arvizo in which she stated that Gavin Arvizo loved Mr. Leno. At some point, Janet
13 Arvizo put Gavin on the telephone to speak with Mr. Leno. Mr. Leno informed Det. Bonner that
14 Gain sounded "rehearsed" and "coached." He further stated that he could hear a woman in the
15 background while Gavin was on the phone. This testimony is relevant because it tends to show
16 that Janet Arvizo directed Gavin to ingratiate himself to wealthy and famous people in an effort
17 to obtain money. This testimony corroborates that testimony of Vernee Watson Johnson.

18 During the interview with Det. Bonner, Mr. Leno offered his opinion regarding Mr.
19 Jackson's guilt, the strength of the prosecution's case, and also speculated that there were 14,000
20 pieces of evidence in the possession of the prosecution. Mr. Leno's opinion regarding the
21 ultimate issue in this case, his opinion regarding the strength of the District Attorney's case, and
22 his speculation regarding the amount of evidence, are not probative of anything. As such, the
23 Court should forbid inquiries regarding these matters to prevent undue consumption of time and
24 undue prejudice.

25 II.

26 CONCLUSION

27 Therefore, based on the reasons set forth above, the court should prohibit inquiries of Mr.
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MOTION TO LIMIT INQUIRIES OF JAY LENO REGARDING OPINION AND SPECULATION

1 Leno regarding his opinion of Mr. Jackson's innocence or guilt, his opinion of the prosecution's
2 case, and his speculation regarding the amount of evidence possessed by the prosecution.

3 Dated: May 23, 2005

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8 By: 

Robert M. Sanger
Attorneys for Defendant
MICHAEL JOSEPH JACKSON

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MOTION TO LIMIT INQUIRIES OF JAY LENO REGARDING OPINION AND SPECULATION

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 23, 2005, I served the foregoing document MOTION TO LIMIT INQUIRIES OF JAY LENO REGARDING OPINION AND SPECULATION 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.

 X BY FACSIMILE -I caused the above-referenced document(s) to be transmitted via facsimile to the interested parties 568-2398

 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 23, 2005 at Santa Maria, California.


BOBETTE TRYON