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

18 THE PEOPLE OF THE STATE OF  
19 CALIFORNIA,

20 Plaintiffs,

21 vs.

22 MICHAEL JOSEPH JACKSON,

23 Defendant.

) Case No. 1133603

) MR. JACKSON'S RESPONSE TO  
) PLAINTIFF'S MEMORANDUM RE: A  
) LIMIT TO CROSS-EXAMINATION OF JANE  
) DOE

) ~~UNDER SEAL~~

) Honorable Rodney Melville

) Date: September 16, 2004  
) Time: 8:30 am.  
) Dept: SM 8

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MR. JACKSON'S RESPONSE TO PLAINTIFF'S MEMORANDUM RE: A LIMIT TO CROSS-EXAMINATION  
OF JANE DOE

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

SEP 14 2004

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

\* unsealed pursuant  
to 11/10/05 court  
order

1 INTRODUCTION

2 The District Attorney's memorandum regarding "an appropriate limit to cross-  
3 examination" fails to seek specific relief and instead is a rambling apology for the behavior of the  
4 District Attorney and the police officers at issue before the Court in the 1538.5 (Part 1) hearing.<sup>1</sup>  
5 As discussed below, Janet Arvizo knew that Bradley Miller worked for Mark Geragos, and it is  
6 implausible that she did not communicate that information to law enforcement or the District  
7 Attorney. The government's knowledge of Mr. Miller's association with Mr. Jackson's attorney  
8 prior to the search of his office is a critical issue in this case and Mr. Jackson's counsel must be  
9 allowed to examine Mrs. Arvizo regarding that issue.

10 I

11 WHAT JANET ARVIZO SAID TO LAW ENFORCEMENT REGARDING WHETHER  
12 OR NOT BRADLEY MILLER WAS WORKING FOR A LAWYER IS A CRITICAL  
13 ISSUE AND MR. JACKSON IS ENTITLED TO CROSS-EXAMINATION REGARDING  
14 THIS ISSUE

15 As argued in Mr. Jackson's 1538.5 (Part 1) moving papers, the search of defense  
16 investigator Bradley Miller's office constituted an invasion of the defense camp and the fruits of  
17 that search must be suppressed. At issue in the hearing on this issue is what the government  
18 knew, or reasonably should have known, about Mr. Miller's relationship with Mr. Geragos and  
19 when they knew it.

20 Mrs. Arvizo's communications with law enforcement regarding Mr. Miller is a critical  
21 issue in the hearings before this Court. She met with Mr. Miller and later provided an account of  
22 those meetings to the government. The prosecution concedes that Mrs. Arvizo was expressly  
23 informed that Mr. Miller worked for Mr. Geragos. (Plaintiff's Memorandum, page 2:13-14.) As  
24 discussed below, Mrs. Arvizo not only met with law enforcement, she also met with Tom

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26 <sup>1</sup> Once again, the prosecution's remarks such as "with a glance to the press corps in the  
27 audience" (Plaintiff's Memorandum, 3:22) are unfounded, sarcastic and do not assist the Court in  
28 resolving the issue before the Court.

1 Sneddon personally and had a conversation with him that was not recorded.

2 The District Attorney claims that "[d]efense attorneys should not be allowed to  
3 aggressively cross-examine a witness on entirely collateral matters under any circumstance."  
4 (Plaintiff's Memorandum, 3:13-15.) Pursuant to Evidence Code Section 780, however, it is  
5 entirely proper for defense counsel to cross-examine Mrs. Arvizo regarding "any matter that has  
6 any tendency in reason to prove or disprove truthfulness of [her] testimony at the hearing." The  
7 statute specifically lists factors the Court may consider including "character for honesty or  
8 veracity or their opposites," "the existence or nonexistence of a bias, interest or other motive," "a  
9 statement made by [her] that is inconsistent with any part of [her] testimony at the hearing," and  
10 "[her] admission of untruthfulness." (Evidence Code Section 780 (c), (f), (h), (k).) The listed  
11 factors are not "entirely collateral" matters and are relevant to cross-examination. Furthermore,  
12 under *People v. Wheeler* (1992) 4 Cal.4th 284, misdemeanor conduct that has a logical bearing  
13 on the veracity of a witness is valid as impeachment material.

## 14 II

### 15 THE WEIGHT OF THE EVIDENCE WITH OR WITHOUT THE TESTIMONY OF 16 JANET ARVIZO IS THAT TOM SNEDDON KNEW OR REASONABLY SHOULD 17 HAVE KNOWN THAT BRADLEY MILLER WAS WORKED FOR MARK GERAGOS

18 The evidence before the Court is that the District Attorney knew or should have known  
19 that Bradley Miller worked for Mark Geragos. Investigator Tonello stated that he expected that a  
20 private investigator such as Brad Miller would be working for an attorney. The correspondence  
21 between Mark Geragos and William Dickerman, which was delivered to the sheriff, clearly  
22 indicated that Bradley Miller was employed by Mark Geragos. Furthermore, Tom Sneddon  
23 admitted that he told Mr. Jackson's defense counsel that he knew that Mr. Miller worked for Mr.  
24 Geragos during a telephone conference.

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III.

**CONTRARY TO THE DISTRICT ATTORNEY'S ASSERTION, ALL CONVERSATIONS WITH JANET ARVIZO WERE NOT RECORDED**

Despite the claim that all interviews between Mrs. Arvizo and law enforcement were recorded (Plaintiff's Memorandum, 3:6-7), the prosecution fails to mention in its memorandum that Tom Sneddon conducted a private interview of Janet Arvizo at the Federal Building in Los Angeles where he specifically showed her a photo of Bradley Miller. It is implausible that he didn't question Mrs. Arvizo about who Mr. Miller was, and who he worked for, during that interview. Furthermore, the recorded interviews with Mrs. Arvizo make it clear that not all conversations between law enforcement and Mrs. Arvizo were recorded. Mr. Jackson is allowed to inquire vigorously regarding that interview and all other contacts between Mrs. Arvizo and law enforcement.

IV.

**JANET ARVIZO KNEW THAT BRADLEY MILLER WORKED FOR MARK GERAGOS**

There is no doubt that Janet Arvizo knew that Bradley Miller worked for Mark Geragos. The District Attorney asserts that "[i]t is anticipated that Jane Doe will say she did not know who employed Brad Miller, nor did she care." (Plaintiff's Memorandum, 1:24-25.) However, the District Attorney concedes that an audiotape of an interview conducted by Mr. Miller with the Arvizo family contains a statement by Mr. Miller to Mrs. Arvizo that "he is a private investigator and works for the law firm of Geragos and Geragos, specifically Mark Geragos, attorney for Michael Jackson." (Plaintiff's Memorandum, page 2:13-14.) It is not reasonable to now claim that she didn't actually know Mr. Miller worked for Mr. Geragos.

Contrary to the government's claim that Mr. Miller disclosed his relationship with Mr. Geragos during the first 30 seconds of the interview, and then never again, there is actually a second mention of his employment with Mr. Geragos later in the interview. Far from the government's claim that Mr. Miller's introduction was brief and unmemorable, the recorded



1 interview gives the impression that Bradley Miller has previously explained that he works for  
2 Mr. Geragos to Mrs. Arvizo.

3 v.

4 CONCLUSION

5 For the reasons stated above, the Court must allow Mr. Jackson's counsel to vigorously  
6 examine Mrs. Arvizo.

7 Dated: September 14, 2004

8 Respectfully submitted,

9 COLLINS, MESEREAU, REDDOCK & YU  
10 Thomas A. Mescreau, Jr.  
Susan C. Yu

11 KATTEN MUCHIN ZAVIS ROSENMAN  
12 Steve Cochran  
Stacey McKee Knight

13 SANGER & SWYSEN  
Robert M. Sanger

14 OXMAN & JAROSCAK  
15 Brian Oxman

16  
17 By. 

18 Robert M. Sanger  
19 Attorneys for  
20 MICHAEL JOSEPH JACKSON  
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**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 September 14, 2004, I served the foregoing document MR.JACKSONS RESPONSE TO PLAINTIFFS MEMORANDUM RE A LIMIT TO CROSS EXAMINATION OF JANE DOE on the interested parties in this action by depositing a true copy thereof as follows:

Tom Sneddon  
District Attorney  
1105 Santa Barbara Street  
Santa Barbara, CA 93101  
805-568-2398

**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.

**BY FACSIMILE** - I caused the above-referenced document(s) to be transmitted via facsimile to the interested parties at

**BY HAND** - I caused the document to be hand delivered to the interested parties at the address above.

**STATE** - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed September 14, 2004 at Santa Barbara, California.

  
Bobette J. Tryon