

4411

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 IN AND FOR THE COUNTY OF SANTA BARBARA
3 SANTA MARIA BRANCH; COOK STREET DIVISION
4 DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

5

6

7 THE PEOPLE OF THE STATE OF)

8 CALIFORNIA,)

9 Plaintiff,)

10 -vs-) No. 1133603

11 MICHAEL JOE JACKSON,)

12 Defendant.)

13

14

15

16

17 REPORTER'S TRANSCRIPT OF PROCEEDINGS

18

19 FRIDAY, APRIL 1, 2005

20

21 8:30 A.M.

22

23 (PAGES 4411 THROUGH 4471)

24

25

www.mjfacts.info

26

27 REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

28 BY: Official Court Reporter 4411

www.mjfacts.info

1 APPEARANCES OF COUNSEL:

2

3 For Plaintiff: THOMAS W. SNEDDON, JR.,

4 District Attorney -and-

5 RONALD J. ZONEN, Sr. Deputy District Attorney

6 -and- GORDON AUCHINCLOSS,

7 Sr. Deputy District Attorney 1112 Santa Barbara Street

8 Santa Barbara, California 93101

9

10

11 For Defendant: COLLINS, MESEREAU, REDDOCK & YU BY: THOMAS A.
MESEREAU, JR., ESQ.

12 -and- SUSAN C. YU, ESQ.

13 1875 Century Park East, Suite 700 Los Angeles, California 90067

14 -and-

15 SANGER & SWYSEN

16 BY: ROBERT M. SANGER, ESQ. 233 East Carrillo Street, Suite C

17 Santa Barbara, California 93101

18 -and-

19 OXMAN and JAROSCAK BY: R. BRIAN OXMAN, ESQ.

20 14126 East Rosecrans Boulevard Santa Fe Springs, California 90670

21

22

23

24

25

26

27

www.mjfacts.info

www.mjfacts.info

1 I N D E X

2

3 Note: Mr. Sneddon is listed as "SN" on index.

4 Mr. Zonen is listed as "Z" on index. Mr. Auchincloss is listed as "A"
on index.

5 Mr. Nicola is listed as "N" on index. Mr. Mesereau is listed as "M" on
index.

6 Ms. Yu is listed as "Y" on index. Mr. Sanger is listed as "SA" on
index.

7 Mr. Oxman is listed as "O" on index.

8

9 PLAINTIFF'S

10 WITNESSES DIRECT CROSS REDIRECT RECROSS

11 KLAPAKIS, Jeff 4415-M 4423-SN 4431-M

12 (Cont'd)

13 GREEN, Jack 4413-A 4452-SA 4467-A

14

15

16

17

18

19

20

21

22

23

24

25

26

www.mjfacts.info

27

28 4413

www.mjfacts.info

1 E X H I B I T S

2

3 FOR IN PLAINTIFF'S NO. DESCRIPTION I.D. EVID.

4

5 298 Telephone Numbers 4444

6 299 Copy of report by Jack Green 4446

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

www.mjfacts.info

www.mjfacts.info

1 Santa Maria, California

2 Friday, April 1, 2005

3 8:30 a.m.

4

5 THE COURT: Good morning, everyone.

6 COUNSEL AT COUNSEL TABLE: (In unison)

7 Good morning, Your Honor.

8 THE JURY: (In unison) Good morning

9 THE COURT: Counsel, you may proceed.

10 MR. MESEREAU: Thank you, Your Honor.

11

12 JEFF KLAPAKIS

13 Having been previously sworn, resumed the

14 stand and testified further as follows:

15

16 CROSS-EXAMINATION

17 BY MR. MESEREAU:

18 Q. Mr. Klapakis, did you suggest last week that

19 because of your discussions with the FBI you delayed

20 fingerprint analysis for a year?

21 A. "Last week," do you mean Wednesday?

22 Q. Oh, that's right. That's right. You're

23 right. How about Wednesday, did you suggest that

24 the FBI -- your discussions with the FBI had

25 something to do with a one-year delay in analyzing

26 fingerprints?

27 A. No, my discussion with the FBI had to do

28 with basically doing background investigations for 4415

www.mjfacts.info

1 us as well as computer work for us.

2 Q. Did you suggest that the Department of
3 Justice and the State of California does not do
4 fingerprint analysis?

5 A. What I suggested was that their priorities
6 are for other agencies, and we can do fingerprints
7 ourselves.

8 Q. But they do do fingerprint analysis,
9 correct?

10 A. Yes.

11 Q. And at times your office will use the
12 Department of Justice to do fingerprint analysis,
13 correct?

14 A. I believe that we have, but it's very rare.
15 We do it ourselves.

16 Q. Do you know somebody named George Levine of
17 the Department of Justice?

18 A. Yes, I do.

19 Q. Who is George Levine?

20 A. He's an examiner with the Department of
21 Justice.

22 Q. And what does he do, to your knowledge?

23 A. Well, he does a lot of things, but I believe
24 fingerprints is one of them.

25 Q. And how long have you known him?

26 A. Oh, I think George has been with the agency
27 longer than I have been with the sheriff's

28 department. So over 20 years. 4416

www.mjfacts.info

1 Q. Have you worked with him on fingerprint
2 analysis before?

3 A. Yes, I believe we have.

4 Q. Now, did you suggest to the jury that
5 because it took so long to separate pages out of
6 magazines that fingerprint analysis in this case
7 needed to be delayed for a year?

8 A. That's not what I suggested.

9 Q. What did you suggest when you told the jury
10 about the laborious process of removing pages from
11 magazines?

12 A. Well, that it was a multi-phase process, and
13 that we wanted to -- there were several things that
14 we had to do. We wanted to maintain control over
15 the evidence, and not piecemeal it out. And because
16 portions of the magazines were in different
17 locations, we had to do those phases at different
18 times.

19 Q. And are you saying that contributed to a
20 delay in analyzing fingerprints?

21 A. Yes, it did.

22 Q. Okay. And how long was the delay in
23 analyzing fingerprints that you would attribute to
24 separating out pages from magazines?

25 A. I'm not quite sure I understand the
26 question.

27 Q. You've said that separating pages out from

28 magazines caused a delay in analyzing fingerprints, 4417

www.mjfacts.info

1 correct?

2 A. Yes.

3 Q. The delay was approximately one year,

4 correct?

5 A. Approximately.

6 Q. Are you attributing that delay exclusively

7 to your need to separate out pages from magazines?

8 A. No.

9 Q. Okay. Now, as the head of the search of Mr.

10 Jackson's residence, you were in charge of

11 determining what forensic tests would be done of

12 anything found in the residence, true?

13 A. I was part of that process, yes.

14 Q. Did you ask for any forensic tests on any

15 bottles that seemed to contain alcoholic beverages?

16 A. No.

17 Q. Do you know if any forensic tests were done

18 on bottles that seemed to contain alcoholic

19 beverages found at Mr. Jackson's residence?

20 A. I don't believe we did.

21 Q. You saw bottles that seemed to contain

22 alcoholic beverages in the wine cellar, correct?

23 A. I believe some of the investigators did,

24 yes.

25 Q. And you found bottles that seemed to contain

26 alcoholic beverages in the kitchen, correct?

27 A. Yes.

28 Q. And they appeared to be in unlocked areas, 4418

www.mjfacts.info

1 correct?

2 A. Correct.

3 Q. You found bottles that seemed to contain
4 alcoholic beverages in Mr. Jackson's bedroom, true?

5 A. Yes, there was a bottle of alcohol in his
6 bedroom.

7 Q. Do you know if any forensic tests were ever
8 done on any bottles that seemed to contain alcoholic
9 beverages in Mr. Jackson's bedroom?

10 A. Not to my knowledge.

11 Q. Did it ever occur to you that trying to
12 determine whose fingerprints were on bottles of that
13 sort might have merit in the investigation?

14 A. Well, it would -- my belief is, is that we
15 were talking about something that occurred eight
16 months prior to the service of the search warrant,
17 so the answer would be no.

18 Q. How long do fingerprints tend to last on
19 surfaces, based upon your experience as a police
20 officer?

21 A. They can last that long, at least.

22 Q. They can last many years, correct?

23 A. Yes.

24 Q. Given what you had heard about potential
25 charges, did it ever occur to you that trying to see
26 whose fingerprints were on glasses or bottles,
27 glasses that seemed to have contained or are used to

28 contain alcoholic beverages or bottles that seem to 4419

www.mjfacts.info

1 contain alcoholic beverages, might be relevant?

2 A. We didn't at the time.

3 Q. Okay. Did you do it at any time?

4 A. No.

5 Q. When the search went on in Michael Jackson's

6 home, did you have a particular location where you

7 had either a desk or a chair?

8 A. Did I?

9 Q. Yes.

10 A. I believe -- I'm not quite sure I

11 understand. Did I have a desk or a chair?

12 Q. Did you -- as head of the search, did you

13 have a central location in the residence of Mr.

14 Jackson where people came back and forth to report

15 to you?

16 A. No. I don't believe I had a central

17 location, no.

18 Q. So were you essentially walking around the

19 residence during the entire search?

20 A. I was moving about the estate, yes.

21 Q. Okay. And were you supervising what people

22 who reported to you were doing?

23 A. I along with others.

24 Q. Okay. Was your function primarily a

25 supervisory function?

26 A. Yes.

27 Q. Did you ever ask for any fingerprint

28 analysis of items of furniture in Mr. Jackson's 4420

www.mjfacts.info

1 bedroom?

2 A. No.

3 Q. Did you ever ask for any fingerprint

4 analysis of various boxes you saw in Mr. Jackson's

5 bedroom?

6 A. No.

7 Q. Did you ever ask for a fingerprint analysis

8 of a lot of the mannequin-type toys you found in Mr.

9 Jackson's bedroom?

10 A. No.

11 Q. Did you ever ask for a fingerprint analysis

12 of anything you saw on the floor in Mr. Jackson's

13 bedroom?

14 A. If some magazine material was found on the

15 floor, yes, we would have, but --

16 Q. Was the fingerprint analysis you requested

17 only directed at magazines?

18 A. I believe so, yes.

19 Q. Did you ever request any fingerprint

20 analysis of anything you saw hanging on the wall?

21 A. No.

22 Q. How about the railing on the stairs going

23 into Mr. Jackson's bedroom?

24 A. No.

25 Q. How about any of the doors you have to go

26 through to enter Mr. Jackson's bedroom?

27 A. No.

www.mjfacts.info

28 Q. Now, other than fingerprints and DNA 4421

www.mjfacts.info

1 analysis, is there any other type of forensic test
2 you wanted done during the day of that search?

3 A. During the day of the search, no.

4 Q. Were the forensic tests that you asked to be
5 done limited to looking for DNA and looking for
6 fingerprints?

7 A. Well, we -- I also believe that photography
8 is part of forensic work, and so we photographed the
9 different rooms of the estate and different things
10 of that nature, but limiting it to that, yes.

11 Q. Was any effort ever made to see if you could
12 find fibers, hair or material, in Mr. Jackson's
13 bedroom that you could link to any of the Arvizos?

14 A. Well, when we took the bedding from Mr.
15 Jackson's bed, I wasn't limiting it to biological
16 fluids. I was limiting -- basically, I wanted a
17 complete analysis of anything that they found out
18 there. So, we took the -- all the bedding and left
19 it to the examiners to determine what evidence might
20 be on that bed.

21 Q. And clearly, you never found any of the
22 Arvizos' DNA in that bedding, correct?

23 A. That's correct.

24 Q. And you never found their hair or fibers in
25 that bedding, correct?

26 A. That's correct.

27 Q. And you never found any of their prints on

28 any furniture linked to Mr. Jackson's bed, correct? 4422

www.mjfacts.info

1 A. That's correct.

2 MR. MESEREAU: I have no further questions

3 at this time.

4 THE COURT: Redirect?

5

6 REDIRECT EXAMINATION

7 BY MR. SNEDDON:

8 Q. Let's go back to some of the things you were

9 talking about last Wednesday that Mr. Mesereau was

10 asking you about, and specifically the execution of

11 the search warrant.

12 You were asked by Mr. Mesereau about what

13 you typically do in a typical murder case. Not that

14 there's really a typical murder case. But with

15 regard to a murder case that occurs in a residence,

16 all right? When you have a murder case that occurs

17 in a residence, what are you legally required to do

18 in order to process the crime scene?

19 A. We have to obtain a search warrant.

20 Q. And when you obtain a search warrant from a

21 judge to allow you to process the crime scene of a

22 residence, are there ordinarily any time limitations

23 placed upon you in terms of how long you can remain

24 at the residence to complete the process of the

25 crime scene?

26 A. No. We could -- it could take a day, it

27 could take a week. Whatever it takes to process the

www.mjfacts.info

1 Q. And have there been cases involving your
2 agency in which crime scenes have been secured and
3 processed over the -- over days and weeks?

4 A. Yes.

5 Q. Have you ever, in your experience, and to
6 your knowledge with the sheriff's department, had a
7 residence and a ranch of the size of Mr. Jackson's
8 that you've had to ever search?

9 A. No.

10 Q. And just so the jury's clear on this, there
11 was more than one building searched that day,
12 correct?

13 A. There were several.

14 Q. In addition to his residence?

15 A. Yes.

16 Q. Would you consider the residence a typical
17 search by your department?

18 A. No.

19 Q. Why?

20 A. Well, it involved a very large main house on
21 the estate. It also involved different buildings on
22 the estate. It -- the estate, the house, was packed
23 with a lot of things that we had to go through. We
24 had to make sure that we were very careful with
25 them. And the search also conducted was in
26 different locations within the estate.

27 Q. Did you know at the time that you executed

28 the search warrant on November the 18th, 2003, 4424

www.mjfacts.info

1 whether or not Mr. Jackson was present on the ranch?

2 A. We were not aware that he was on the ranch.

3 Q. Now, with regard to the time constraints

4 given to you with the execution of the search

5 warrant on Mr. Jackson's ranch, what time

6 constraints were you given on that?

7 A. I was told that I had to be done within a

8 day.

9 Q. And how did that come about?

10 A. Well, I had asked you if we could write in

11 the search warrant that we could take a couple of

12 days or more to conduct this search, because of the

13 size of the estate, plus the other things involved

14 in this investigation, other searches. And through

15 that discussion, it was decided that we were going

16 to have to do it within one day, so as not to burden

17 the ranch and its employees with our presence longer

18 than that.

19 Q. And was there some relationship between the

20 amount of time and the number of personnel that you

21 needed to do it within the time constraints that you

22 were given?

23 A. Well, based on the size of the estate, we

24 felt that in order to get it done within that time

25 frame, we had to have an abundance of personnel. It

26 wasn't just the search.

27 Q. All right. Now, with regard to the

28 questions Mr. Mesereau asked you about whether you 4425

www.mjfacts.info

1 gave any instructions to the people who were under
2 your supervision during the execution of the search
3 warrant; do you recall that question?

4 A. Yes.

5 Q. What were your instructions to your people?

6 A. Do not talk to the press.

7 Q. You were also asked by Mr. Mesereau whether
8 or not you had -- whether or not there were media
9 that were -- that came outside the ranch on the

10 second search warrant that was executed almost a
11 year later in December of 2004. Do you recall that?

12 A. Yes.

13 Q. And with regard to the source of the
14 information that was given to the media, to your
15 knowledge, was the sheriff's department responsible
16 for that?

17 A. No, we were not.

18 Q. And to your knowledge, was it somebody
19 connected outside of the sheriff and law enforcement
20 community?

21 A. That's what I believe.

22 Q. Now, Mr. Mesereau asked you several
23 questions about items that were found at certain
24 locations and used the word "unlocked." To your
25 knowledge, was the wine cellar unlocked when you
26 folks first got into the building on the morning of
27 the 18th of November?

28 A. The wine cellar was locked. 4426

www.mjfacts.info

1 Q. And with regard to the closets in Mr.

2 Jackson's bedroom where the alcohol was located, to

3 your knowledge, was that locked or unlocked at the

4 time it was first approached by your folks?

5 A. His bedroom was locked and alarmed.

6 Q. And the closet in which the two bottles of

7 alcohol were found, was that closet locked or

8 unlocked at the time that your folks first

9 approached that closet and opened it?

10 A. The -- I'm not sure of the location you're

11 talking about.

12 Q. Downstairs in the master suite.

13 A. The master suite was locked.

14 Q. And the closets in the master suite?

15 A. I'm not sure of that. I know I wasn't the

16 one of first ones to enter into the master suite. I

17 know the -- I was -- excuse me, I was the first --

18 one of the first ones to enter the master suite.

19 But as to the closets, I can't tell you.

20 Q. All right.

21 A. One closet was locked. It was on the -- it

22 was on the left side library, or left side bathroom,

23 excuse me. There was a locked door there.

24 Q. The one with the Jacuzzi-type tub?

25 A. Next to the safe. Yes.

26 Q. Okay. Now, before you executed the search

27 warrant or before the search warrant was executed on

28 November 18th, were you aware of the interviews that 4427

www.mjfacts.info

1 had been conducted with the Arvizo children?

2 A. Yes.

3 Q. And were you aware of the information that

4 they had provided about the interior of Mr.

5 Jackson's bedroom suite area?

6 A. Yes.

7 Q. At the time that you were executing your

8 search warrant on November the 18th of 2003, how

9 much time had elapsed between the time that you had

10 information that the crimes were committed and the

11 time you were executing the warrant?

12 A. Nine months. Eight, nine months.

13 Q. Now, at that time, Mr. Mesereau asked you

14 whether or not you took any prints off the balcony

15 or whether you looked for hair or fibers or anything

16 else. Was there a reason that wasn't really an

17 important part of the investigation at that

18 particular stage in time?

19 A. It just didn't enter into the investigation

20 at that particular time.

21 Q. Why?

22 A. Well, we were -- we had certain information

23 regarding the crimes. We went in to the search

24 looking for those things. Our search was limited in

25 time, and we were doing several other things,

26 interviews, other searches in other locations.

27 The -- this investigation was atypical because it

28 entered into other -- other crimes, other overt acts 4428

www.mjfacts.info

1 in which we had to investigate.

2 Q. With regard to the presence of the Arvizo
3 children in Mr. Jackson's master bedroom and in the
4 suite itself, at the time you were executing the
5 search warrant, can you tell us whether or not there
6 was any doubt in the investigators' minds that they
7 had actually been in those rooms?

8 A. No, they described it uniquely, and it -- we
9 actually knew where we were going when we --

10 MR. MESEREAU: Objection. Calls for hearsay
11 and speculation. And also it's improper.

12 THE COURT: Sustained.

13 MR. SNEDDON: Judge, what's the basis?

14 Because I may be able to cure it. Because I didn't
15 think it was hearsay.

16 THE COURT: Well, you're talking about what
17 was in the other investigators' minds.

18 MR. SNEDDON: I'm sorry, then I can cure it.

19 Q. With regard to what was in your mind as the
20 lead investigator during the course of the execution
21 of this search warrant, were you aware of the
22 information that the Arvizo children had provided to
23 you?

24 A. Yes.

25 Q. And with regard to that information, did
26 that have an impact on you with regard to trying to
27 prove whether or not they were ever in those rooms?

www.mjfacts.info

28 A. No, they had described it. And when we 4429

www.mjfacts.info

1 entered the room, it fit their description.

2 Q. All right. Mr. Mesereau asked you one
3 other -- another question with regard to whether --
4 you were trying to explain what -- he uses the word
5 "delay" in the processing of the print. And you
6 answered the question, "No." Why was there no --
7 you didn't consider that to be a delay of over a
8 year?

9 A. As Mr. Mesereau stated, latents can stay on
10 an object for a long time. We were protecting the
11 items of evidence. They were in different
12 locations. We were conducting our processes as we
13 were able to. And ultimately we were able to
14 develop and stabilize the latents that we felt were
15 on the items of evidence.

16 Q. Were there other items that were taken that
17 you believe could have been processed for forensic
18 evidence?

19 A. Sure. We could have fingerprinted some
20 alcohol bottles or other things like that, but we
21 didn't.

22 Q. With regard to this particular case, there
23 are a number of books that are in evidence.

24 A. Yes.

25 Q. You're aware of that?

26 A. Yes.

27 Q. Was there a conscious decision made with

28 regard to those particular books and processing them 4430

www.mjfacts.info

1 for the latent prints?

2 A. Right. The -- the books, in a discussion
3 with Mr. Zonen, was -- we determined not to conduct
4 a latent fingerprint examination on them, because
5 the process to do so would have, one, destroyed the
6 book and made the pages toxic. Mr. Zonen preferred
7 to keep the book in its original condition, and so
8 the decision was made not to attempt the latent
9 search on them.

10 MR. SNEDDON: Thank you. Nothing further.

11 MR. MESEREAU: May I just take one second,

12 Your Honor?

13 THE COURT: Yes.

14 (Off-the-record discussion held at counsel
15 table.)

16

17 RECROSS-EXAMINATION

18 BY MR. MESEREAU:

19 Q. Your investigation, I'm talking about you
20 personally, Lieutenant, began approximately June
21 13th, 2003, when you were contacted by Attorney
22 Larry Feldman, true?

23 A. No. I started this in February.

24 Q. Okay.

25 A. If that's -- I began in February 2003.

26 Q. Okay. But in the operations plan that was
27 developed and typed up for the search that you were

28 in charge of, you attached a case timeline, correct? 4431

www.mjfacts.info

1 A. The sergeant who developed the ops plan did,
2 yes.

3 Q. And that was Sergeant Eric Koopmans,
4 correct?

5 A. Koopmans, yes.

6 Q. Did he develop that plan with your
7 assistance?

8 A. Certainly mine. Sergeant Roble's.

9 Q. With respect to that search, you talk about
10 you being contacted by Attorney Larry Feldman on
11 Friday, June 13th, 2003, correct?

12 A. I believe that was the date.

13 Q. Okay. Do you know why that timeline doesn't
14 include the investigation you were doing much
15 earlier?

16 A. The ops plan is basically the synopsis, a
17 brief synopsis, of giving the investigators some
18 background on our investigation. I can't tell you
19 why it didn't have the February information.

20 Q. And the timeline associated with the
21 operations plan doesn't include the fact that you
22 personally called the Department of Children &
23 Family Services and asked them not to interview the
24 Arvizos, correct?

25 MR. SNEDDON: Your Honor, this is beyond the
26 scope of the redirect. I object.

27 THE COURT: Sustained.

28 MR. MESEREAU: I have no further questions, 4432

www.mjfacts.info

1 Your Honor.

2 MR. SNEDDON: Nothing further, Your Honor.

3 THE COURT: You may step down.

4 MR. AUCHINCLOSS: Your Honor, we'll call as
5 our next witness Jack Green.

6 THE COURT: When you get to the witness
7 stand, please remain standing. Face the clerk and
8 raise your right hand.

9

10 JACK GREEN

11 Having been sworn, testified as follows:

12

13 THE WITNESS: I do.

14 THE CLERK: Please be seated. State and
15 spell your name for the record.

16 THE WITNESS: Okay. My name is Jack Green;
17 G-r-e-e-n.

18 BAILIFF CORTEZ: Sir, would you speak into
19 the microphone?

20 THE WITNESS: Okay.

21

22 DIRECT EXAMINATION

23 BY MR. AUCHINCLOSS:

24 Q. Good morning, Mr. Green.

25 A. Good morning.

26 Q. How are you employed?

27 A. I'm the president of Affordable Telephone

www.mjfacts.info

28 Systems in Ventura, California. 4433

www.mjfacts.info

1 Q. And what is Affordable Telephone Systems?

2 A. We're an AT&T equipment dealer.

3 Q. And what do you do for Affordable Telephone

4 Systems as the president?

5 A. Run the operation.

6 Q. All right. Do you actually go out to sites

7 and perform services in relation to telephones

8 themselves?

9 A. I do. Uh-huh.

10 Q. And how long have you been doing this?

11 A. 20 years.

12 Q. Do you have a background in -- do you have

13 any training in the area of telephone systems?

14 A. I do.

15 Q. Could you describe that for me, please?

16 A. I was trained by AT&T Corporation.

17 Q. All right. How long ago?

18 A. In 1984 to 1990.

19 Q. What kind of training did you receive?

20 A. Technical training on their systems from

21 their corporate trainers.

22 Q. And how long did this training take place,

23 over what period of time?

24 A. Over the course of ten years.

25 Q. All right. And I take it you've had some

26 hands-on experience with this subject matter?

27 A. Correct.

28 Q. Over the 20 years you have performed 4434

www.mjfacts.info

1 services for telephone systems?

2 A. Yes, I have.

3 Q. On -- you know, could you even estimate how
4 many times?

5 A. Oh, geez, thousands.

6 Q. Okay. On December 3rd, 2004, did you visit
7 Neverland Ranch in Los Olivos, California?

8 A. I did.

9 Q. And did you have an assignment when you went
10 out to the ranch that day?

11 A. I did.

12 Q. What was your assignment?

13 A. To inspect the telephone system at the
14 ranch. And to give information on how the phone
15 system was configured, programmed and would operate.

16 Q. Were you accompanied by law enforcement
17 officers on that date?

18 A. I was.

19 Q. And did you perform that task?

20 A. I did.

21 Q. First of all, tell me, what type of system
22 does Neverland Ranch have, what type of telephone
23 system?

24 A. It's manufactured by AT&T. It's called a
25 Merlin II system is the model. It's a -- we call it
26 a key system, a hybrid key system.

27 Q. Okay. Are you familiar with the Merlin II

www.mjfacts.info

28 system from AT&T? 4435

www.mjfacts.info

1 A. I am.

2 Q. Have you serviced that system before?

3 A. I have.

4 Q. So tell me what you did. How did you go

5 about inspecting the system?

6 A. We -- we inspected and looked at how many

7 telephone lines that were -- from the telephone

8 company on the property, were installed in the

9 system. We logged and inventoried all of the

10 telephones at each location on the system on the

11 property, and looked at how the system was

12 programmed in terms of how you could make a call

13 out, how you could receive a call. You know, the

14 typical aspects of how the system would work.

15 Q. And how many lines did you find that system

16 included, how many different telephone lines?

17 A. On the property, there's a total of 24

18 telephone lines or numbers, telephone numbers that

19 come onto the property. Of those 24 lines, there

20 are eight lines that's connected to the Merlin II

21 system.

22 Q. Okay. And the remaining 24 -- I guess we

23 have 16 lines remaining.

24 A. Correct.

25 Q. Tell me about those.

26 A. There's one -- there was one line that was

27 not -- that was not on the system of the eight.

28 There were 15 lines that were connected to modems or 4436

www.mjfacts.info

1 computers or, you know, other things.

2 Q. Okay. Were all of those 15 lines being
3 used?

4 A. They had dial tone. I don't know if they
5 were being used. There was dial tone at what we
6 call the demarc. Some of them might have been used;
7 some of them might not have been used.

8 Q. What did you say, the demarc, or the --

9 A. The demarcation point from Verizon.

10 Q. I see. And where is that located?

11 A. That's located in the garage, where the
12 telephone equipment was at.

13 Q. Did you have access to the entire property?

14 A. Yes.

15 Q. Did you visit the various outbuildings as
16 well as the main residence?

17 A. Yes.

18 Q. Did you inspect the phones at each of
19 those --

20 A. Yes.

21 Q. -- locations?

22 A. Uh-huh.

23 Q. And did you inspect a phone that was located
24 in what's known as Mr. Jackson's personal bedroom?

25 A. Yes, sir.

26 MR. AUCHINCLOSS: May I approach, Your
27 Honor?

www.mjfacts.info

1 Q. BY MR. AUCHINCLOSS: Mr. Green, I show
2 you -- go ahead and help yourself to some water.

3 A. Yeah, I appreciate that.

4 Q. I show you People's Exhibit No. 165. Can
5 you identify that for me, please?

6 A. That is a Merlin 34 button telephone.

7 Q. Is that the phone that you saw that day?

8 A. Yes.

9 MR. AUCHINCLOSS: Okay. May I have the

10 Elmo, Your Honor?

11 Do you have that laser pointer?

12 MR. SNEDDON: Yeah.

13 MR. AUCHINCLOSS: I believe this exhibit's
14 already in evidence, Your Honor. Am I correct in
15 that?

16 THE COURT: What number is it?

17 MR. AUCHINCLOSS: 165.

18 THE COURT: Yes.

19 MR. AUCHINCLOSS: All right. Thank you.

20 Q. All right. Mr. Green, can you just briefly
21 describe for the jury how this telephone works?

22 A. Sure. This telephone -- okay. All right.

23 You have -- if you lift the handset and you
24 want to make a call out, this system is programmed,
25 what we call in the phone industry, pooled. What I
26 mean by that is all eight lines on the phone system,
27 on all the other phones on the property, they --

28 they are a ten-button phone, except this phone. On 4438

www.mjfacts.info

1 this phone, you have your telephone lines that are
2 on each button here. Each of the eight lines.

3 So, if I -- from this telephone, I can
4 manually push this black button right here, or any
5 of these black buttons, and I can manually select
6 any one of the eight lines that I want to make a
7 call out on.

8 On the -- I don't know if I'm jumping ahead,
9 but on the other telephone sets, they don't have the
10 lines that appear individually on a button. You
11 just -- you just press a pooled button, and the
12 telephone system selects at random a line that
13 you're going to call out on. And you enter an
14 account code and then you get a dial tone and you
15 make that outside call, and you can -- from the
16 ranch.

17 Q. All right. So the other phones on the
18 ranch -- well, let me start with, was there another
19 phone that had similar capabilities on the ranch?

20 A. Yes. There were two phones -- yes, there
21 are two phones on the ranch that you could select a
22 line to call out on, or -- or listen in to a
23 telephone conversation on. That other telephone set
24 was in the -- I would call it the administrative
25 office on the ranch. It's a larger console, larger
26 than this.

27 Q. Okay. And was that in a separate building

28 from the main house? 4439

www.mjfacts.info

1 A. Yes. Yes, it was.

2 Q. Can you tell me -- approximate its location
3 in relation to the main house?

4 A. Yeah. It was in what I call the big
5 administrative office. It wasn't a security office.
6 It was up the hill. It was the -- it was the
7 administrative office, the best I know it.

8 Q. All right. Now, if I understand correctly,
9 the other phones on the property, you could not
10 select which line you were going to use?

11 A. Correct. The other phones on the property
12 looked just like this phone, except this row and
13 this row of buttons were not there. It's a
14 ten-button phone. So it looked exactly like this,
15 minus -- if I could just draw down here, exit that
16 off.

17 Q. You're indicating the right-hand portion of
18 the phone, those buttons were gone?

19 A. Correct.

20 Q. Now, but you still could not -- you have
21 these eight buttons, or it looks like --

22 A. The line buttons.

23 Q. Yeah, two lines of buttons on the left.

24 They had those buttons?

25 A. Yes.

26 Q. Would that allow that person on a -- let's
27 say in the guest room, would that allow that person

28 to select a particular line? 4440

www.mjfacts.info

1 A. No. No, all you could do is lift the
2 handset, press the pooled button, and the phone
3 system would select a line.

4 Q. Okay.

5 A. The phone cabinet, I'll call it a CPU.

6 Q. You also mentioned that in order to get an
7 outside line you needed to enter a code. What did
8 you mean by that?

9 A. An account code.

10 Q. All right.

11 A. The phone system was restricted to where you
12 couldn't just pick it up, have dial tone and place a
13 call. You had to enter an account code.

14 Q. So if an individual did not have the account
15 code, then it would be impossible for them to talk
16 to an outside party off the ranch?

17 A. That's -- yes, to my knowledge. Uh-huh.

18 Q. All right. Now, can you tell me what the
19 term "barging" means?

20 A. Yes, we referred to it in telephone -- it's
21 our term that I want to -- I want to join a
22 conversation that's in place or I want to listen to
23 a conversation in place.

24 Or in business, since this is a business
25 phone system, it was transferred for office business
26 use, if I was on line 1, and I wanted you to join me
27 in that conversation, you could press the line 1

28 button, and you could join the conversation. 4441

www.mjfacts.info

1 Q. Okay. So in a business setting, that would
2 let a secretary barge in a conversation; would that
3 be a reasonable use --

4 A. Yes, or --

5 Q. -- in business?

6 A. Sure. Or join the conversation.

7 Q. All right. Did this phone have barging
8 capabilities?

9 A. Yes.

10 Q. Could you listen to this phone
11 surreptitiously, and I mean secretly without letting
12 the parties know that you were a third party
13 listening in on that conversation?

14 A. Yes.

15 Q. And how would you do that?

16 A. Well, from this telephone, if I saw that
17 somebody -- if a telephone (sic) on the property was
18 on the phone, I would see -- on one of these line
19 buttons, I would see it lit. There would be a red
20 light lit. And so if I wanted to listen in on that
21 conversation, all I'd have to do is press this black
22 button, lift the handset, press this black button,
23 and I could listen to the conversation, because I've
24 got what we call line access. I can select the line
25 I want to listen in on on this. Or I could press
26 the speakerphone button, and mute it, mute the
27 microphone, and press the line I wanted to listen in

www.mjfacts.info

1 Q. All right. And if you -- well, let me
2 strike that. Does that phone have instructions on
3 how to do that?

4 A. This phone right here?

5 Q. Yeah.

6 A. No. Not on the telephone it doesn't.

7 Q. All right. So if you didn't know how to do
8 that, you wouldn't be able to barge in without the
9 other people's knowledge, is that fair to say, if
10 you didn't have some kind of idea about how this
11 phone worked?

12 A. True.

13 MR. SANGER: I'm going to object. That
14 calls for speculation.

15 THE COURT: Overruled. The answer was,
16 "True." Next question.

17 Q. BY MR. AUCHINCLOSS: And would it be any
18 difficulty -- would there be any difficulty in
19 connecting a recording device to this phone?

20 MR. SANGER: Objection; that calls for
21 speculation.

22 MR. AUCHINCLOSS: I think he's an expert in
23 this area.

24 MR. SANGER: Then it's vague as phrased.

25 THE COURT: Overruled.

26 You may answer.

27 THE WITNESS: You could do that, yes.

28 Q. BY MR. AUCHINCLOSS: And I believe you said 4443

www.mjfacts.info

1 one of the ways you could listen in was on the
2 speakerphone?

3 A. Yes. If you didn't want to hold the
4 handset, all you had to do is just press the
5 speakerphone, and then press the "line" button, and
6 you could sit there and listen to the conversation
7 without -- hands-free without lifting the handset.

8 Q. Would you also want to hit the "mute"
9 button?

10 A. You could also hit the "mute" button so that
11 it mutes the microphone on this telephone, so the
12 caller that you are listening in on wouldn't hear
13 any background noise.

14 Q. So they couldn't hear you breathing, or
15 talking, or anything like that?

16 A. Correct. Correct.

17 Q. All right. Mr. Green, did you bring -- did
18 you make a report in this case?

19 A. Yes. Yes, sir.

20 Q. Did you bring that with you today?

21 A. Yes, sir.

22 MR. AUCHINCLOSS: If I could just have a
23 moment with counsel.

24 (Off-the-record discussion held at counsel
25 table.)

26 Q. BY MR. AUCHINCLOSS: Mr. Green, I show you
27 People's Exhibit 298.

28 A. Uh-huh. 4444

www.mjfacts.info

1 Q. Is this a refined version of your report
2 that you prepared in this case?

3 MR. SANGER: Well, I'm going to object to
4 that question.

5 MR. AUCHINCLOSS: All right.

6 Q. Can you identify this exhibit, then?

7 A. Yes. Those are the telephone numbers that I
8 found on the property.

9 Q. All right. And there are two groupings of
10 them.

11 And I'll put this on the Elmo.

12 A. May I refer to my report?

13 Q. Yes, you may. Why don't you check and make
14 sure that these are correct, the correct numbers.

15 A. Uh-huh. They're right here.

16 Q. There is one additional number on there?

17 A. Yes.

18 Q. Was that the private number that you
19 mentioned?

20 A. Correct.

21 (Off-the-record discussion held at counsel
22 table.)

23 Q. BY MR. AUCHINCLOSS: All right. Mr. Green,
24 I'm going to ask you to write that private number on
25 this exhibit at the bottom portion of it.

26 All right. So does this list contain a
27 complete listing of all the telephone numbers that

28 you found in the various systems at Neverland Ranch? 4445

www.mjfacts.info

1 A. That's correct.

2 MR. AUCHINCLOSS: Ask to admit People's

3 Exhibit 298 at this time, Your Honor.

4 MR. SANGER: Your Honor, I'm going to object

5 and I'd like to approach on a very specific issue,

6 please.

7 THE COURT: All right. I'll sustain the

8 objection at this point.

9 MR. AUCHINCLOSS: Okay.

10 Q. Mr. Green, may I have the copy of the report

11 that you brought with you?

12 A. Yes.

13 MR. AUCHINCLOSS: All right. I'm going to

14 ask to have this marked as an exhibit as well.

15 Q. Mr. Green, I show you Exhibit No. 299.

16 A. Okay.

17 Q. Would you identify that for me, please?

18 THE COURT: Is that the new number?

19 MR. AUCHINCLOSS: That's the new exhibit

20 number, yes.

21 THE WITNESS: This is the report that I made

22 on December 3rd from Neverland Ranch and my

23 inspection on the phone system.

24 Q. BY MR. AUCHINCLOSS: Is that a complete copy

25 of your report?

26 A. Yes, sir.

27 Q. There appears to be some handwritten items

28 on that particular report. Did you make those 4446

www.mjfacts.info

1 notations?

2 A. Yes, sir, I did.

3 MR. SANGER: I'm going to object on the
4 grounds of relevancy and it's hearsay.

5 MR. AUCHINCLOSS: Well, I'm laying --

6 THE COURT: Just a minute.

7 Overruled. The answer was, "Yes, I did."

8 Next question.

9 Q. BY MR. AUCHINCLOSS: And did you prepare

10 this report pursuant to your duties as the president
11 of Affordable Telephone Systems Incorporated?

12 A. Yes, I did.

13 Q. And have you prepared similar reports
14 concerning telephone systems as part of your duties
15 at Affordable Telephone Systems?

16 A. Yes.

17 MR. SANGER: I'm going to object; relevancy.

18 MR. AUCHINCLOSS: I can make an offer of
19 proof, if you like.

20 THE COURT: Overruled.

21 Q. BY MR. AUCHINCLOSS: And so was this
22 prepared during the course of your business
23 activities at Affordable Telephone Systems?

24 A. Yes, it was.

25 Q. Was this report prepared at or near the time
26 of the event that you described in analyzing this
27 system and visiting Neverland Ranch?

28 A. Yes. I prepared -- you know, I prepared 4447

www.mjfacts.info

1 this information at the ranch as I was -- as I was
2 taking my notes.

3 Q. And then did you reduce it to a writing when
4 you got back to your office?

5 A. Yes.

6 Q. As far as the handwritten notes on here,
7 what do those designate?

8 MR. SANGER: Objection; calls for hearsay.

9 THE COURT: Sustained.

10 Q. BY MR. AUCHINCLOSS: Did you write those
11 handwritten notes on there pursuant to the
12 information that you were preparing for this
13 particular report?

14 A. Yes.

15 Q. Is it just some additional handwritten
16 information pertaining to this particular report?

17 A. Yes.

18 MR. SANGER: Objection. Asked and answered;
19 leading.

20 MR. AUCHINCLOSS: This is foundational.

21 THE COURT: The objection is overruled.

22 Q. BY MR. AUCHINCLOSS: Was it done pursuant to
23 your preparation of this report as a business
24 record?

25 A. Yes.

26 Q. And was it also done at or near the time of
27 the events that are on this -- reported on this

28 particular report? 4448

www.mjfacts.info

1 A. Yes.

2 Q. Is this report trustworthy?

3 A. Yes.

4 MR. SANGER: Objection.

5 Q. BY MR. AUCHINCLOSS: Why do you say that?

6 THE COURT: Sustained.

7 MR. SANGER: Move to strike.

8 THE COURT: Stricken.

9 Q. BY MR. AUCHINCLOSS: Do you have a duty when

10 you prepare these reports to accurately depict the

11 information that you've observed when you go out to

12 the actual location?

13 A. Yes.

14 MR. SANGER: Objection. Lack of foundation;

15 and leading.

16 THE COURT: Sustained.

17 MR. AUCHINCLOSS: On which grounds?

18 THE COURT: Leading.

19 MR. AUCHINCLOSS: It's for foundation, Your

20 Honor.

21 THE COURT: Well, your -- the objection was

22 sustained. Ask your next question.

23 MR. AUCHINCLOSS: All right. Ask to admit

24 No. 299 as a business record, Your Honor.

25 MR. SANGER: Objection. Hearsay; no

26 foundation.

27 THE COURT: I'm just trying to look at some

28 of your earlier testimony. 4449

www.mjfacts.info

1 When did you go out and make that report?

2 THE WITNESS: On December 3rd, 2004.

3 THE COURT: And who requested that you go out
4 to make that report?

5 THE WITNESS: The Santa Barbara Sheriff's
6 Department.

7 THE COURT: All right. It's not a business
8 record. It was done in preparation of litigation
9 and it's not admissible under the business records.

10 MR. AUCHINCLOSS: All right.

11 Q. We'll do this -- this will take a little bit
12 of time.

13 A. Okay.

14 Q. But I do need to get the information.

15 MR. SANGER: Excuse me, move to strike
16 counsel's remarks.

17 MR. AUCHINCLOSS: That's fine. I'll go to
18 the next question.

19 THE COURT: Wait a minute. Just a moment.
20 I'll strike the remarks.

21 Q. BY MR. AUCHINCLOSS: Tell me --

22 THE COURT: You know, I don't like to have
23 conferences, but I need -- I don't know what the
24 problem with this record is that's causing all this
25 difficulty. So would you come up here and tell me?

26 MR. AUCHINCLOSS: Yes.

27 (Discussion held off the record at sidebar.)

28 THE COURT: It's amazing what a little 4450

www.mjfacts.info

1 conference will do occasionally here. The problem,
2 which I didn't get, maybe you got, was that those
3 are all Mr. Jackson's private phone numbers, and he
4 doesn't want to receive all of those telephone
5 calls. So that was the only problem. And so we're
6 going to work with this as best we can, as long as
7 we can, without revealing his personal phone
8 numbers. And I don't know if we'll succeed in doing
9 that, but that's what we're going to try to do here.

10 MR. AUCHINCLOSS: And that's fine, Your
11 Honor.

12 The People would seek -- ask to admit at
13 this time Exhibit No. 298.

14 MR. SANGER: And I don't have an objection
15 to the foundation being laid for 298, but I'd ask
16 the Court just procedurally to delay receiving it
17 until we work this out.

18 THE COURT: They're having trouble in the
19 back hearing you.

20 MR. SANGER: I'm sorry, the thing's turned
21 off.

22 Yes, Your Honor, I was just saying I don't
23 have any objection to the foundation for 298 based
24 on this witness's testimony at this point. I'd just
25 ask the Court to delay receiving it in evidence
26 until we work out the details.

27 THE COURT: Okay.

28 MR. AUCHINCLOSS: And that's fine. 4451

www.mjfacts.info

1 THE COURT: I'll make that ruling; that the
2 parties agree that the foundation is laid, and we'll
3 not admit it at this point until we can do something
4 with the phone numbers.

5 MR. AUCHINCLOSS: That's fine. Thank you,
6 Your Honor. No further questions.

7 MR. SANGER: May I proceed, Your Honor?

8 THE COURT: Yes.

9 MR. SANGER: Okay.

10
11 CROSS-EXAMINATION

12 BY MR. SANGER:

13 Q. Mr. Green, how are you?

14 A. Good. Pretty good.

15 Q. All right. Let's just clear up a couple
16 things right off the bat here. First of all, this
17 phone system, this Merlin phone system that you saw
18 at Neverland Ranch, is a fairly standard business
19 kind of phone system, correct?

20 A. That's correct.

21 Q. And the Merlin phone system that you saw,
22 that particular configuration, was really one that
23 was developed and used primarily in the 1980s; is
24 that correct?

25 A. That's correct.

26 Q. Phone systems have actually progressed quite
27 a bit farther than what you see there, right?

28 A. That's correct. 4452

www.mjfacts.info

1 Q. And that's the kind of phone system that in
2 the late '80s you might have found in executive
3 offices, insurance companies, lawyers, and so on; is
4 that correct?

5 A. That's correct.

6 Q. All right.

7 A. It was designed for business use.

8 Q. And in your experience with Affordable
9 Telephone Systems in Ventura, have you had occasion
10 over the last 20 years to install phone systems on
11 large estates?

12 A. Yes. Yes, I have.

13 Q. Have you ever installed a phone system on an
14 estate as large as Mr. Jackson's?

15 A. No.

16 Q. Okay. Have you installed a phone system on
17 an estate that involved a working ranch?

18 A. I probably have. I don't recall at this
19 point.

20 Q. Okay. What I'm getting at is, where you
21 have a number of operations going on besides a
22 residence, is there anything unusual about seeing a
23 business kind of telephone system on a working
24 ranch?

25 A. Oh, no. Not at all. It's -- no.

26 Q. Okay. And what you might do, I think you're
27 doing okay, but try to talk real close to the

28 microphone there. 4453

www.mjfacts.info

1 A. Okay.

2 Q. Because it is hard for everybody to hear.

3 All right. And particularly with regard to
4 the Merlin system, it would not be unusual to see a
5 Merlin system like that installed in a working ranch
6 somewhere in the 1980s, correct?

7 A. No, not at all.

8 Q. And the fact that this phone system has not
9 been switched out for a brand-new system is also not
10 unusual; is that correct?

11 A. Not at all.

12 Q. All right. So you would expect at working
13 ranches and other business locations that there are
14 probably some Merlin systems still around; is that
15 correct?

16 A. Oh, sure. Hundreds, thousands.

17 Q. All right. Now, you mentioned that -- you
18 were asked, is it possible to attach a recording
19 device to this telephone system, correct?

20 A. Yes.

21 Q. Did you see a recording device attached to
22 this telephone system?

23 A. No.

24 Q. All right. And in fact, it's possible to
25 attach a recording device to just about any
26 telephone system, correct?

27 A. That's correct.

28 Q. All right. So there's nothing in particular 4454

www.mjfacts.info

1 that makes this phone system any more susceptible to
2 being attached to a recording device than any other,
3 correct?

4 A. No.

5 Q. Now, another thing we talked about here was
6 being able to pick up a line that's either in use or
7 not in use on this particular phone, correct?

8 A. Correct.

9 Q. In a typical telephone installation in a
10 home, where you have more than one extension, is it
11 usually possible to pick up a line that's in use in
12 the system?

13 A. Yes.

14 Q. So people who have two or three extension
15 phones in their home generally have just exactly
16 that system. You pick it up -- if it's in use in
17 the kitchen and you pick it up in the bedroom, you
18 can listen in, right?

19 A. Yes.

20 Q. Home systems that have more than one line
21 often have that same capability. You can pick up
22 line 1 -- let's say you have two lines. You can
23 pick up line 1 or line 2 if it's in use, correct?

24 A. Correct.

25 Q. All right. Now, the history of business
26 phones, without going into unnecessary detail,
27 before Merlin involved a couple of different kinds

28 of technology I want to go over with you, okay? The 4455

www.mjfacts.info

1 first one is, for those of us old enough to remember
2 all this, it involved the business phones that had
3 the four, five lines with the buttons at the bottom
4 and a "hold" button at the end, correct?

5 A. Correct.

6 Q. And there might be actually an intercom
7 button on one end, and the "hold" button on the end,
8 correct?

9 A. Correct.

10 Q. And under those old systems, if anybody in
11 the property that was governed by this phone system,
12 whether it be a residence, a ranch or a business, if
13 anybody was on line 1, everybody else on the phone
14 system could see that from their phone, correct?

15 A. That is correct.

16 Q. And they could just push the button and pick
17 it up, and they'd be on line 1, and they could
18 listen in, correct?

19 A. That's correct.

20 Q. Okay. Now, in those days, there were
21 speakerphones, somewhat primitive, as I recall. But
22 it would also be possible to put a call on a
23 speakerphone that same way and listen, correct?

24 A. Correct.

25 MR. AUCHINCLOSS: I'm going to object. It's
26 irrelevant to phone systems that existed before this
27 phone line.

www.mjfacts.info

www.mjfacts.info

1 MR. SANGER: Thank you.

2 Q. After that -- let me withdraw that.

3 At the same time as that more rudimentary
4 system existed there was the PBX system; is that
5 correct?

6 A. Right, there were two types. After that,
7 the equipment that you're describing was called 1A
8 key. And then they developed a key system and a PBX
9 system at the same time. The PBX was simply a
10 larger model of a key system.

11 Q. Okay. And the PBX system continued into
12 existence into the 1980s, correct?

13 A. Yes, and it's still today. Uh-huh.

14 Q. PBX system would allow an operator to answer
15 the phone, and then switch the calls from one place
16 to another throughout the system, correct?

17 A. Correct. Or an individual could do it.

18 Q. All right. When the hybrid key system came
19 along, which is the Merlin system, correct?

20 A. Correct.

21 Q. It was a system that allowed more
22 flexibility than the PBX system, correct?

23 A. Yes.

24 Q. So it would allow a -- it would allow you to
25 have a master console -- or in this case you have a
26 master console and you have sort of a junior master
27 console, right?

28 A. That's correct. 4457

www.mjfacts.info

1 Q. And the junior master console was the one
2 that was found in Mr. Jackson's living room area of
3 the first floor of his bedroom suite, correct?

4 A. That's correct.

5 Q. And that allowed people to answer the phone
6 at different locations; is that correct?

7 A. Back up there. You lost me.

8 Q. You could answer the phone in the
9 administration building with the big console, right?

10 A. That is correct.

11 Q. And you could join phone calls from one
12 point to another?

13 A. That is correct.

14 Q. And to the extent that you have the eight
15 lines here, you could do the same with this phone,
16 is that right?

17 A. That is correct.

18 Q. Now, since that time, technology has
19 continued to march on, since the '80s, I take it,
20 correct?

21 A. That is correct.

22 Q. And I don't want to go into all the details,
23 but there are more sophisticated telephone systems
24 that are much simpler than this, so you don't have
25 to have all these buttons in order to make them
26 work, right?

27 A. That's correct.

28 Q. Now, you mentioned that there were eight 4458

www.mjfacts.info

1 lines that were on the direct system -- well, let me
2 withdraw that. There were eight lines that were on
3 this system that could be used by people in Mr.
4 Jackson's house; is that correct?

5 A. That's correct.

6 Q. You examined the phone equipment throughout
7 his house; is that right?

8 A. Yes, I did.

9 Q. And you noticed that were extension phones?

10 A. Yes.

11 Q. Okay. And by the "extension phone," we're
12 talking about the phones that simply had buttons
13 that allowed you to pick up and get an available
14 line?

15 A. That's correct. Ten -- the other phones
16 were ten-button phones.

17 Q. All right. And those phones could also
18 receive a call if somebody were to direct it to that
19 particular extension; is that right?

20 A. That is correct.

21 Q. So if somebody answered the phone, they
22 could say, "I want to put this call through to the
23 library, because I believe Mr. Jackson's in his
24 library and it's for him, so I'll connect it to the
25 library," right?

26 A. Right, they could -- yes, they could
27 transfer the call to the library, yes.

28 Q. All right. And the phones that were at the 4459

www.mjfacts.info

1 ranch were at various locations throughout the

2 house --

3 A. Yes.

4 Q. -- correct?

5 In the children's living area; is that

6 right?

7 A. Yes.

8 Q. The library?

9 A. Yes.

10 Q. The kitchen?

11 A. Yes.

12 Q. The maids' room?

13 A. Yes.

14 Q. The maids' break room.

15 And then on into Mr. Jackson's personal

16 office in the adjoining building?

17 A. Yes.

18 Q. The security office at the end of that

19 building; is that correct?

20 A. Yes, sir.

21 Q. Upstairs in the video library?

22 A. Yes, sir.

23 Q. All right. And you could also get the -- or

24 the phone system also included the front gate, the

25 little guard house at the front gate; is that

26 correct?

27 A. I didn't examine that. I'm sure it did.

28 I'm sure there was a phone out there, but I 4460

www.mjfacts.info

1 didn't --

2 Q. You mentioned an administration building,
3 which was up on the top of the hill, correct?

4 A. Yes.

5 Q. So it was outside the manicured lawn area
6 that surrounded Mr. Jackson's private residence; is
7 that correct?

8 A. That's correct.

9 Q. And the administration building also is the
10 fire department, they have a fire truck up there?

11 A. I believe so. I believe so.

12 Q. So you had phone capability in the
13 administration building for the various
14 administrators, the fire department, and so on, is
15 that correct?

16 A. Yes.

17 Q. The administration building, there's an
18 executive assistant or staff person up there who had
19 a desk in the main administration building, correct?

20 A. Yes.

21 Q. And that desk is where the main console
22 existed for this phone system; is that right?

23 A. Yes.

24 Q. All right. Now, in the -- you mentioned
25 that you needed to have some kind of code to call
26 out; is that correct?

27 A. Yes.

28 Q. Is that unusual for a Merlin system? 4461

www.mjfacts.info

1 A. No. It's quite common.

2 Q. All right. So many systems you have to push
3 "9" to call out?

4 A. Some you have to press "9." And an account
5 code is -- is able to be programmed in so that you
6 can eliminate phone abuse. People -- unauthorized
7 people making calls you don't want to make calls on
8 your phone system.

9 Q. Now, you were out there with sheriffs who
10 had a search warrant, correct?

11 A. Yes, that's correct.

12 Q. So you were not chatting with the -- with
13 Mr. Jackson, I imagine?

14 A. That is correct.

15 Q. Okay. And you weren't chatting with his
16 staff about how they set the phone system up or how
17 it was set up when they --

18 A. That's correct.

19 Q. -- first came to work at the ranch?

20 A. That's correct.

21 Q. So you weren't able to determine whether or
22 not there were separate account numbers or there was
23 just one number that everybody was given to get an
24 outside line?

25 A. That's correct.

26 Q. All right.

27 MR. AUCHINCLOSS: Objection; assumes

28 everyone was given a number. 4462

www.mjfacts.info

1 THE COURT: Overruled.

2 MR. SANGER: Did the answer -- I think the
3 answer came in.

4 THE COURT: It did. He said, "That's
5 correct."

6 Q. BY MR. SANGER: So based on your analysis of
7 this system, there could have been one number that
8 would allow anybody on this Merlin phone system,
9 wherever the extensions were throughout the ranch,
10 it would allow somebody to hit the number, and get
11 an outside line, correct?

12 A. That's correct.

13 Q. All right. Did you determine -- let me
14 withdraw that. So if somebody were able to make a
15 phone call to an outside number, for instance,
16 somebody were able to call their, let's say,
17 boyfriend in Los Angeles from this phone, if they
18 did it unassisted, they would have to have the code,
19 whatever it was, to get that outside line, correct?

20 A. Not from this phone. But from all the other
21 phones, yes.

22 Q. Okay. Okay. Good point. Thank you. I'm
23 talking about the extension phones, and I guess I'm
24 pointing to that one.

25 A. Yes.

26 Q. But this phone, you can just pick up an
27 outside line, correct?

www.mjfacts.info

www.mjfacts.info

1 Q. And we'll come back to that. But as far as
2 the extension phones are concerned, the ones that --
3 other than the administration building and this
4 phone, if you want to get an outside line, you put
5 in whatever the code is --

6 A. Correct.

7 Q. -- one number, or two numbers, or whatever
8 it is?

9 A. Correct.

10 Q. You get the outside line and then you can
11 call wherever you want, right?

12 A. That's correct.

13 Q. All right. So if somebody were, say, on an
14 extension phone at someplace on the ranch and they
15 were able to call, as I say, for instance, their
16 boyfriend in Los Angeles, you would expect that they
17 would know how to enter that code to get the outside
18 line, correct?

19 A. Yes.

20 Q. And if somebody could enter that code and
21 get an outside line to call their boyfriend in Los
22 Angeles, they could enter that code, get an outside
23 line, and call 9-1-1, correct?

24 A. Yes.

25 Q. There's no restriction on calling 9-1-1 from
26 any phone in this phone system other than simply
27 knowing the code to call out, correct?

www.mjfacts.info

28 A. Yes. 4464

www.mjfacts.info

1 MR. SANGER: If I could have just one

2 moment, Your Honor.

3 Q. By the way, you mentioned the eight numbers,

4 and then you said there were 16 other numbers, one

5 of which was a direct line to Mr. Jackson's area in

6 what's called the bathroom, but there's a sitting

7 area and all that off the main floor --

8 A. Uh-huh.

9 Q. -- of the bedroom, correct?

10 A. Uh-huh.

11 Q. Other than that direct number, did you ever

12 figure out where on the ranch those other numbers,

13 the other 15 numbers went?

14 A. No.

15 Q. So when you say they came into the main --

16 you didn't say "switch box," and I'm going to say

17 that and I'm sure it's wrong, but the main -- what

18 did you call the telephone closet?

19 A. Demarc. Verizon's telephone demarc.

20 Q. Okay. So the lines come in from off the

21 property, from the telephone lines off the property

22 that service the rest of the world, and they come in

23 to the property, anybody's property, they come in to

24 a telephone box or telephone closet, correct?

25 A. Uh-huh.

26 Q. And that's what you're calling the demarc?

27 A. Correct.

28 Q. And you know that these other 15 lines came 4465

www.mjfacts.info

1 in there, you just never traced them out to see
2 exactly where they went, correct?

3 A. Correct. We put -- I made sure that they
4 had actual dial tone and -- on the block. And from
5 my test set, you know, I have a code that I can dial
6 and -- when I hear dial tone, and I can get a
7 recording from the phone company that tells me what
8 that telephone number is.

9 So I verified that those -- that those
10 telephone numbers Mr. Jackson was being billed for
11 those telephone numbers, he had live dial tone.

12 Now, where it went, I don't know.

13 Q. In other words, you take your phone -- you
14 have a headset that has clips on it?

15 A. Called a butt set.

16 Q. All right.

17 A. It's a lineman -- a lineman's test set.

18 Q. A lineman's test set, okay. And you simply
19 clip that onto a line, correct, and then you dial a
20 number, which we won't say, because everybody will
21 go home and do it?

22 A. Right.

23 Q. And it will automatically - it's kind of
24 cool - automatically tell you what phone number that
25 is, right?

26 A. Exactly.

27 Q. And you verified that these are, in fact,

28 phone numbers coming into the property, you just 4466

www.mjfacts.info

1 never traced them to see exactly whatever phones
2 there were, if any, that were hooked up to them?

3 A. Right, they weren't in the phone system.

4 Q. They were not in the Merlin phone system?

5 A. Correct.

6 Q. But you don't know if there was another
7 phone someplace, at the zoo, or someplace else
8 that --

9 A. That's correct.

10 Q. -- that might have had that number.

11 All right. Okay. I have no further

12 questions. Thank you.

13

14 REDIRECT EXAMINATION

15 BY MR. AUCHINCLOSS:

16 Q. Mr. Green, did you go to the various
17 outbuildings and check all the phones?

18 A. Yes. We checked the -- we looked for phones
19 in the -- in all of the buildings. And the only
20 phones that we saw were the Merlin ten-button
21 phones.

22 Q. Okay.

23 A. We didn't see any other phones that weren't
24 of the Merlin phone system.

25 Q. All right. So based on your inspection of
26 the property, all the phones were hooked into the
27 Merlin system, with the exception of the 15 which

28 you couldn't find a location for? 4467

www.mjfacts.info

1 A. Those 15 lines. They could have been
2 connected.

3 Q. And you had one private line?

4 A. That's correct. They could have been
5 connected to computers, other types of devices.
6 Security. I'm sure some of those lines were
7 security lines connected to the security companies,
8 et cetera, et cetera. But we were not able to gain
9 any information as to what they were connected to.

10 Q. Okay. And when you say "security," do you
11 mean telephone lines as security or some kind of
12 computer or alarm line?

13 A. Alarm line. Computer. You know, for
14 dialing out on the Internet. You know, anything
15 that took a telephone line.

16 Q. But not something you communicate on in the
17 normal telephone fashion, talk to somebody on?

18 A. Well, they could have been used for that.
19 They could have been. They could have been used for
20 a computer to dial out to the Internet. They could
21 have been used for the alarm lines for the security
22 system that Mr. Jackson had on the ranch.

23 Q. Okay. But you didn't find a source for
24 that?

25 A. No. And they might not have been connected
26 to anything.

27 Q. All right. Now, just as far as the exhibit

28 that we've admitted here, there appears to be eight 4468

www.mjfacts.info

1 numbers at the top of this exhibit.

2 A. Yes.

3 Q. Which are those numbers for?

4 A. Those are the telephone lines connected to

5 the Merlin system at Neverland Ranch.

6 Q. And then there's -- below that there appear

7 to be 15 lines. Those are the ones that you just

8 talked about --

9 A. Right.

10 Q. -- that don't hook into the Merlin system?

11 A. Right, those are the wild lines.

12 Q. And the handwritten one on the bottom is the

13 private line?

14 A. Right. That's Mr. Jackson's private phone.

15 Q. And where did you find that phone that was

16 hooked into a private line?

17 A. That phone was in his rooming quarters

18 downstairs in the bathroom to the left where the

19 closet was.

20 Q. Okay. And this phone was also in the

21 downstairs area?

22 A. Yes. In the same -- in the same place.

23 Q. Same general vicinity?

24 A. Correct.

25 Q. Was this in the bathroom? If you recall.

26 A. No, I think it was just outside the bathroom

27 door.

28 Q. All right. 4469

www.mjfacts.info

1 A. Just right outside the bathroom door.

2 Q. All right. Now --

3 THE COURT: Counsel, take our break.

4 MR. AUCHINCLOSS: Very good.

5 (Recess taken.)

6 --o0o--

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

www.mjfacts.info

www.mjfacts.info

1 REPORTER'S CERTIFICATE

2

3

4 THE PEOPLE OF THE STATE)

5 OF CALIFORNIA,)

6 Plaintiff,)

7 -vs-) No. 1133603

8 MICHAEL JOE JACKSON,)

9 Defendant.)

10

11

12 I, MICHELE MATTSON McNEIL, RPR, CRR,

13 CSR #3304, Official Court Reporter, do hereby

14 certify:

15 That the foregoing pages 4415 through 4470

16 contain a true and correct transcript of the

17 proceedings had in the within and above-entitled

18 matter as by me taken down in shorthand writing at

19 said proceedings on April 1, 2005, and thereafter

20 reduced to typewriting by computer-aided

21 transcription under my direction.

22 DATED: Santa Maria, California,

23 April 1, 2005.

24

25

26

27 MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

www.mjfacts.info

www.mjfacts.info

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 IN AND FOR THE COUNTY OF SANTA BARBARA
3 SANTA MARIA BRANCH; COOK STREET DIVISION
4 DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

5

6

7 THE PEOPLE OF THE STATE OF)

8 CALIFORNIA,)

9 Plaintiff,)

10 -vs-) No. 1133603

11 MICHAEL JOE JACKSON,)

12 Defendant.)

13

14

15

16

17 REPORTER'S TRANSCRIPT OF PROCEEDINGS

18

19 FRIDAY, APRIL 1, 2005

20

21 8:30 A.M.

22

23 (PAGES 4472 THROUGH 4644)

24

25

26

27 REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

www.mjfacts.info

www.mjfacts.info

1 APPEARANCES OF COUNSEL:

2

3 For Plaintiff: THOMAS W. SNEDDON, JR.,

4 District Attorney -and-

5 RONALD J. ZONEN, Sr. Deputy District Attorney

6 -and- GORDON AUCHINCLOSS,

7 Sr. Deputy District Attorney 1112 Santa Barbara Street

8 Santa Barbara, California 93101

9

10

11 For Defendant: COLLINS, MESEREAU, REDDOCK & YU BY: THOMAS A.
MESEREAU, JR., ESQ.

12 -and- SUSAN C. YU, ESQ.

13 1875 Century Park East, Suite 700 Los Angeles, California 90067

14 -and-

15 SANGER & SWYSEN

16 BY: ROBERT M. SANGER, ESQ. 233 East Carrillo Street, Suite C

17 Santa Barbara, California 93101

18 -and-

19 OXMAN and JAROSCAK BY: R. BRIAN OXMAN, ESQ.

20 14126 East Rosecrans Boulevard Santa Fe Springs, California 90670

21

22

23

24

25

26

27

www.mjfacts.info

www.mjfacts.info

1 I N D E X

2

3 Note: Mr. Sneddon is listed as "SN" on index.

4 Mr. Zonen is listed as "Z" on index. Mr. Auchincloss is listed as "A"
on index.

5 Mr. Nicola is listed as "N" on index. Mr. Mesereau is listed as "M" on
index.

6 Ms. Yu is listed as "Y" on index. Mr. Sanger is listed as "SA" on
index.

7 Mr. Oxman is listed as "O" on index.

8

9 PLAINTIFF'S

10 WITNESSES DIRECT CROSS REDIRECT RECROSS

11 GREEN, Jack 4479-SA

12 4485-A 4486-SA

13 (Further) (Further)

14 FELDMAN, Larry 4487-SN 4527-M 4596-SN 4608-M

15 4609-SN 4611-M

16 (Further) (Further)

17 SALAS, Jesus 4612-A

18

19

20

21

22

23

24

25

26

www.mjfacts.info

27

28 4474

www.mjfacts.info

1 E X H I B I T S

2

3 FOR IN PLAINTIFF'S NO. DESCRIPTION I.D. EVID.

4

5 45 Photo 4623

6 46 Photo 4623

7 47 Photo 4624

8 776 Photo of Jordie Chandler 4503 4504

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

www.mjfacts.info

www.mjfacts.info

1 THE COURT: Go ahead.

2 MR. AUCHINCLOSS: Thank you, Your Honor.

3 Q. Mr. Green, when was the last year that the

4 Merlin II system was made, if you know?

5 A. I can speculate. I don't know the exact

6 date.

7 Q. Can you approximate?

8 A. Yes. It was taken out of production in

9 probably the early '90s. '92, '93, maybe '94.

10 Q. And as far as the lines that we've talked

11 about, those eight lines, if an individual called

12 from outside Neverland, called one of those eight

13 numbers, where would that phone ring, or where could

14 it ring, maybe to begin with that question?

15 A. Okay. It could ring at the 34-button in Mr.

16 Jackson's living quarters --

17 Q. Okay.

18 A. -- at the console.

19 Q. All right.

20 A. And it could be programmed also to ring at

21 any of the other telephones, if it was programmed to

22 ring there. So it could ring at every single

23 telephone, or only at one or two. Typically, it

24 rings at the console, or the -- or the 34-button

25 phone. But it could ring -- and you could do that

26 on a line-by-line basis.

27 Q. Okay. And do you know how this particular

28 phone system was set up in terms of incoming calls? 4476

www.mjfacts.info

1 A. No, because we weren't allowed to have any
2 incoming calls ring in so we could test that.

3 Q. And -- but typically it would be either the
4 console or the 34-button phone?

5 A. Yes. On a -- on an estate situation, you
6 know, usually the calls are screened. They come
7 into the console and are screened and then
8 transferred to wherever they want to go.

9 Q. Mr. Sanger used the example of a home phone
10 system as far as similarity regarding listening in
11 to a phone conversation.

12 A. Yes.

13 Q. Is this phone system really similar in terms
14 of its barging capabilities?

15 MR. SANGER: Objection, leading, Your Honor;
16 argumentative.

17 THE COURT: Overruled.

18 You may answer.

19 THE WITNESS: It's different in that on the
20 Merlin system, if you were barging in on -- if
21 you're barging in on a call, the caller on the --
22 the person on the other phone would not know that
23 you were -- there would be no audio knowledge that
24 they were being listened to.

25 Q. BY MR. AUCHINCLOSS: So you could listen
26 secretly without any input, audio input, on the
27 phone line?

28 A. Correct. 4477

www.mjfacts.info

1 Q. And at a home system, when someone picks up
2 the phone and is listening in, is there typically
3 some audio input that is noticeable to the other two
4 parties that are conversing?

5 A. More so, uh-huh.

6 Q. And would the "mute" button also contribute
7 to the secrecy of listening to those calls?

8 A. If you were using the speakerphone, yes.

9 Q. Does the "mute" button also work on the
10 handset microphone?

11 A. No.

12 Q. Okay. So just on the speakerphone.

13 A. Yes.

14 Q. As far as other people's ability to listen
15 in on your conversations, does this system -- is
16 this system set up where any of the outside lines at
17 Neverland, and I mean just the lines that don't
18 involve either the 34-button phone or the phone at
19 the office, could any of those lines listen in?

20 A. No.

21 Q. So would that be another dissimilarity
22 between home systems and this system?

23 MR. SANGER: Objection. Leading, Your

24 Honor.

25 THE COURT: It's overruled.

26 You may answer.

27 THE WITNESS: No, because you would have no

28 way on the other phones of selecting the line, no. 4478

www.mjfacts.info

1 It has privacy. You couldn't -- from any of those
2 other phones, you couldn't listen in on another
3 conversation.

4 MR. AUCHINCLOSS: All right. Thank you. I
5 have no further questions.

6

7 RE-CROSS-EXAMINATION

8 BY MR. SANGER:

9 Q. Okay. Just a few.

10 First of all, you could listen in on other
11 lines on the phone system from the console in the
12 administration building, correct?

13 A. That's correct.

14 Q. And that console is pretty much out in the
15 open, there, in the staff area of the administration
16 office, correct?

17 MR. AUCHINCLOSS: Objection. Assumes facts;
18 and no foundation.

19 THE COURT: Overruled.

20 You may answer.

21 THE WITNESS: Well, it was -- when I
22 inspected it, it was in a locked office.

23 Q. BY MR. SANGER: When you say "a locked
24 office," though, the administration building, the
25 lock was on the front door of the administration
26 building, correct?

27 A. No, there's an office inside the

28 administration building, as I call it. I don't know 4479

www.mjfacts.info

1 if I'm, you know, using the right terminology, but
2 there was an office inside there that was locked.

3 Q. That's your recollection?

4 A. Yes.

5 Q. Did you take a picture of this?

6 A. The detective had to have the ranch manager
7 unlock the door for us to go in.

8 Q. All right. And it was -- there was a desk,
9 somebody working at this area, correct?

10 A. There was no one in there.

11 Q. I'm sorry?

12 A. There could have been. There was no one in
13 there at that time.

14 Q. Let me ask the question again, just so we're
15 clear. It appeared to be a working area where
16 somebody had a desk, correct?

17 A. That's correct, yes.

18 Q. And the point is, whoever had access to that
19 phone would be able to listen in on phone calls as
20 well; is that correct?

21 A. Yes, that's correct.

22 Q. And you would expect -- from your testimony,
23 you would expect that that's one of the places that
24 the phone would ring so that phone calls could be
25 directed throughout the ranch, correct?

26 A. Yes. The lines all had to ring at the
27 console. That was a must.

28 Q. All right. So not only could ring there, 4480

www.mjfacts.info

1 but you believe it did ring there at that console in
2 the administration building, correct?

3 A. Yes.

4 Q. The phone in Mr. Jackson's -- what we
5 call -- it's a blank screen, I'm kind of pointing
6 randomly here.

7 The phone that was up on the board, what we
8 call a junior console in Mr. Jackson's living area,
9 the phone did not ring there; is that correct, sir?

10 A. I don't know, because we didn't test any
11 incoming calls.

12 Q. All right. And you can -- as you said, you
13 can program any of the other phones to -- to be able
14 to answer the phone from that location; is that
15 correct?

16 A. That is correct.

17 Q. So if there was a phone, for instance, in
18 that guard shack -- you said you didn't go down and
19 look, but assume there was a phone there that
20 appeared to be one of the extension phones, you
21 could program that phone to ring so that the person
22 at the guard shack could answer the phone there,
23 correct?

24 A. That is correct, yes, sir.

25 Q. All right. You indicated these phones were
26 last made in the early '90s, correct?

27 A. Yes.

28 Q. But there are replacement parts and 4481

www.mjfacts.info

1 replacement phones that can be obtained if your
2 equipment breaks down?

3 A. Yes, there's still refurbished equipment out
4 there. You know, it -- there's millions of Merlin
5 systems out there that was produced. It was the
6 most widely sold telephone system in the world, and
7 there's readily available parts.

8 Q. Okay. And the most widely phone system --
9 sold system in the world, this Merlin system, had
10 that "mute" capability on all of the phones that
11 were sold throughout the world, correct, if they
12 were --

13 A. Yes.

14 Q. -- if they were this kind?

15 A. If you were on the speakerphone.

16 Q. Yeah, the speakerphone had a "mute."

17 A. That is correct.

18 Q. Now, almost all office or commercial kinds
19 of telephone systems today, in fact, have that
20 "mute" button; is that right?

21 A. Yes. Oh, yes.

22 Q. So there's nothing nefarious about the
23 "mute" button, is there?

24 A. No, no, it's standard.

25 Q. All right. Thank you. You did mention one
26 other thing. You said something about an alarm
27 system. Did you determine whether or not there was

28 an alarm system in place at Neverland? 4482

www.mjfacts.info

1 A. There was an alarm panel in the garage.

2 And, you know, I did not go in to the alarm system

3 to see what lines were attached to it, no.

4 Q. All right.

5 A. That wasn't my area of responsibility.

6 Q. I understand. In your work in the telephone

7 industry and as a -- the president of a telephone

8 company in Ventura, do you have occasion to work

9 with alarm companies when they install --

10 A. Yes.

11 Q. -- alarm systems?

12 And I think what we need to do, I've got to

13 avoid talking over you. And if you could wait just

14 an extra beat before you answer, otherwise the court

15 reporter gets her fingers caught in the keys there.

16 A. Okay.

17 Q. When you work with an alarm system -- let me

18 back up.

19 When you go out to install a phone system at

20 the same time that an alarm system is being put in

21 place, do you work with the alarm company?

22 A. We do.

23 Q. All right. And one of the things that you

24 often do is make sure that they have a telephone

25 line, a secure telephone line, so that the alarm

26 system can automatically call out to the alarm

27 company or to a law enforcement agency; is that

28 correct? 4483

www.mjfacts.info

1 A. That's correct.

2 Q. All right. And so you saw some phone lines
3 that you thought the phone lines might -- in fact,
4 one or more of them might be associated with the
5 alarm function at the ranch; is that correct?

6 A. That's correct.

7 Q. And based on your experience in installing
8 telephone systems, is there anything unusual, in a
9 large ranch property, for the owner of the property
10 to have an alarm system hooked up to the telephone
11 system?

12 A. No, you wouldn't have it hooked up to the
13 telephone system. You would have a telephone line
14 hooked up to the alarm system.

15 Q. Okay. I'm sorry.

16 A. But you wouldn't have --

17 Q. Let me withdraw that so I don't make it any
18 more complicated. I understand what you're saying.

19 So, what I meant was, have the alarm system
20 hooked up to a telephone line. You've restated it
21 correctly.

22 Is there anything unusual, in a large ranch
23 operation, whereby the owner of the property has an
24 alarm system hooked up to a telephone line that goes
25 off the property?

26 A. No.

27 Q. And you've seen that. You've seen that in

28 your work, correct? 4484

www.mjfacts.info

1 A. Yes.

2 Q. Is there anything unusual about the owner
3 and the family having an alarm system around the
4 immediate area where they reside to secure their own
5 personal safety where they are living?

6 A. No.

7 Q. So you see that from time to time, that
8 there will be a system that's set up in the living
9 quarters actually where the family resides; is that
10 correct?

11 A. Yes.

12 MR. SANGER: All right. Okay. No further
13 questions.

14 MR. AUCHINCLOSS: Just one further question.

15 THE COURT: Yes.

16

17 FURTHER REDIRECT EXAMINATION

18 BY MR. AUCHINCLOSS:

19 Q. Mr. Green, as far as this barging system
20 works in the Merlin system as compared to a home
21 system, is this barging system different only in the
22 fact that it has a "mute" button, or is there an
23 additional feature that allows you to secretly
24 listen to other phone calls?

25 MR. SANGER: Objection. That's compound;
26 leading; and beyond the scope of cross, recross.

27 THE COURT: Overruled.

28 You may answer. 4485

www.mjfacts.info

1 THE WITNESS: There is a bit of a
2 difference. On the Merlin system, if I barge in,
3 the party that I barge in to cannot see any light,
4 any visual indication or audio indication that I am
5 listening, unless he hears some background noise in
6 the back of me, or he hears me breathing.

7 Q. BY MR. AUCHINCLOSS: So there won't be a
8 click?

9 A. There won't be a click. There won't be
10 anything.

11 MR. AUCHINCLOSS: All right. Thank you. I
12 have no further questions.

13

14 FURTHER RECROSS-EXAMINATION

15 BY MR. SANGER:

16 Q. Oh, and on that -- if I may, Your Honor --
17 there's no reason -- you have absolutely no
18 information to suggest that this phone system was
19 installed for the purpose of listening in on other
20 people, do you?

21 A. No, sir.

22 Q. In fact, it looks like a phone system that
23 was installed sometime in the late '80s and has just
24 been maintained there on this property ever since,
25 correct?

26 A. Yes.

27 MR. SANGER: Okay. Thank you. No further

28 questions. 4486

www.mjfacts.info

1 MR. AUCHINCLOSS: No further questions.

2 THE COURT: You may step down. Thank you.

3 THE WITNESS: Thank you.

4 MR. SNEDDON: Would you ask Mr. Feldman to
5 come in, please?

6 THE BAILIFF: We already did it.

7 MR. SNEDDON: He's on his way in from
8 outside, but --

9 THE COURT: Come to the front of the
10 courtroom, please.

11 When you get to the witness stand, please

12 remain standing, face the clerk and raise your right
13 hand.

14

15 LARRY FELDMAN

16 Having been sworn, testified as follows:

17

18 THE WITNESS: I do.

19 THE CLERK: Please be seated. State and
20 spell your name for the record.

21 THE WITNESS: Larry Feldman. F-e-l-d-m-a-n;

22 Larry is L-a-r-r-y.

23 THE CLERK: Thank you.

24

25 DIRECT EXAMINATION

26 BY MR. SNEDDON:

27 Q. Good morning, Mr. Feldman.

28 A. Good morning. 4487

www.mjfacts.info

1 Q. You're an attorney licensed --

2 A. Right.

3 Q. -- to practice law in California?

4 A. I am.

5 Q. And how long have you been an attorney?

6 A. Since 1969.

7 Q. And would you share with the ladies and
8 gentlemen of the jury your academic preparation to
9 become a lawyer. Spare us the high school part.

10 Just --

11 A. I went to -- ultimately graduated from
12 Cal-State Northridge, where I'm proud to say I'm
13 getting the Alumni of the Year Award this year.
14 And thereafter I went to Loyola University
15 in Los Angeles, where I graduated in 1969 as the
16 editor-in-chief for The Law Review and No. 1 in my
17 class.

18 Q. All right. And I assume you took and passed
19 the bar?

20 A. I took and passed the bar.

21 Q. And in your practice, where are you
22 currently employed?

23 A. Currently, I am at a law firm called Kaye,
24 Scholer. K-a-y-e, S-c-h-o-l-e-r. It is in Century
25 City in Los Angeles.

26 Q. And does it have offices in other locations?

27 A. It does. All over the world. Its main

28 office is in New York, but it has offices in 4488

www.mjfacts.info

1 Shanghai, and Washington D.C., Chicago, Los Angeles.

2 I'm probably forgetting some.

3 Q. What is the lawyer size of the firm?

4 A. About 600 lawyers.

5 Q. Now, prior to the time that you -- how long

6 have you been with Kaye, Scholer?

7 A. Since January of 2004.

8 Q. And prior to that, what firm were you

9 associated with?

10 A. Prior to that, I had my own law firm, which

11 had different names from the time I joined it right

12 out of law school. But ultimately when -- as of

13 January 2004, it was Fogel, Feldman, Ostrov,

14 Ringler & Clemens.

15 Q. And were you the senior partner of that firm

16 at that time?

17 A. I was the head of that law firm.

18 Q. Just give the ladies and gentlemen of the

19 jury some idea of the type of practice of law that

20 you're involved in.

21 A. I have been a trial lawyer all of my life.

22 I started in this firm that I ultimately was the

23 senior partner of right out of law school. I

24 started trying primarily cases for injured federal

25 workers, railroad workers and seamen. It was called

26 The Federal Employers Liability Act, and The Jones

27 Act. And I did other kinds of, like, automobile

28 cases, but very rarely. 4489

www.mjfacts.info

1 It was -- primarily I practiced a lot in
2 federal court, some in state court, and tried a lot
3 of cases in those years. And then slowly but surely
4 my practice developed. I started doing a much
5 broader array of cases, from representing labor
6 unions, to representing people involved in wrongful
7 discharge cases, African-Americans who had been
8 discriminated against big companies. Currently,
9 right now, representing a class action in Washington
10 D.C., the largest class action of African-Americans
11 who have not been promoted appropriately.

12 I represent -- on the other side of the
13 coin, I represent the Oakland Raiders in their many
14 courtroom battles. I represent -- I have
15 represented a lot of entertainment people suing
16 studios. I have defended studios. I have
17 represented individual people who have legal
18 malpractice claims against lawyers. And I have
19 defended lawyers who have been accused of
20 malpractice. I have sued rock groups and defended
21 rock groups.

22 And so my practice really has grown from
23 what it once was into an array of cases, from really
24 getting, at this stage of my life, some wonderful
25 cases to handle as a lawyer.

26 Q. And did you, at one time, represent the late
27 Johnnie Cochran?

28 A. I did represent Johnnie Cochran for ten 4490

www.mjfacts.info

1 years in a legal matter from the day, or
2 thereabouts, when he became involved in O.J. Simpson
3 till the end of that. Till 2000 and -- January 2004
4 I represented Johnnie.

5 Q. What professional organizations have you
6 been associated with and participated in?

7 A. I was the president of the Los Angeles
8 County Bar Association. I was the president of the
9 Los Angeles Trial Lawyers Association. I was an
10 officer in the American Board of Trial Advocates,
11 which is an organization that you have to be invited
12 into and have to have a certain skill level in
13 trials and in representing people.

14 I am what they call a Fellow of the American
15 College of Trial Lawyers, which is limited to
16 1 percent of the lawyers in the United States.

17 Another organization that you have to be invited
18 into to get into.

19 The International Academy of Trial Lawyers,
20 where I am -- which is limited to the top 500
21 lawyers, theoretically, in the world.

22 I mean, I don't know who's making these
23 judgments, but that's sort of --

24 Q. It's nice to be invited, even though you
25 don't understand the standards.

26 A. It's one club you want to be invited into.

27 But I'm sure there's somebody else who deserves to

28 be in this club who for some reason doesn't get in. 4491

www.mjfacts.info

1 Q. And are there some committees that you
2 operate in on a statewide basis?

3 A. Yes. I've been appointed to -- by the
4 governor to assist in selecting judges for the
5 Southern California area. I have been appointed by
6 the chief justice of the California Supreme Court,
7 both chief justices, Malcolm Lucas, who was the
8 chief justice originally, who had a blue ribbon
9 committee of lawyers throughout the state, with
10 judges, who are trying to improve the system of
11 justice for -- so there would be better access to
12 the Court for people.

13 Fancy people, big corporations, don't have
14 any problems using the courts. But little people
15 have a lot of trouble getting through these courts,
16 and the chief justice had a committee, as we moved
17 into the millenium, to try to figure out how to
18 better access courts for individuals who couldn't
19 higher fancy lawyers.

20 And then just recently the current chief
21 justice of the Supreme Court asked me to be on a
22 committee to help with the discipline of lawyers.
23 There is a lot of criticisms that lawyers who should
24 be disciplined aren't disciplined and that the
25 public doesn't feel like we're disciplining our own
26 lawyers.

27 And the State Bar is in charge of this

28 system as it exists right now. And there are these 4492

www.mjfacts.info

1 State Bar judges who judge it, and there's -- I've
2 been asked to be on this committee to look at these
3 issues and try to develop a better system for making
4 sure that lawyers who need to be punished are
5 punished and that we have the right people in place
6 who can punish them appropriately.

7 Q. And have you done some teaching in your
8 spare time?

9 A. In my spare time, when I'm not in Santa
10 Maria testifying, I do. I am -- I taught last week
11 at Loyola. I do a lot of teaching to judges, to
12 lawyers, to law students, on different things about
13 the law, from ethics, to how to try a lawsuit, a
14 whole potpourri of different things.
15 I've written a lot about -- articles and
16 chapters in books about how to try lawsuits or some
17 aspect of some part of a case that I may have tried.

18 Q. Let's turn to a specific case, if we can,
19 and I'd like to focus your attention to the year
20 1993 and '94, if we can.

21 Are you familiar with a then young boy by
22 the name of Jordan Chandler?

23 A. I am.

24 Q. And how did you become involved -- by the
25 way, did you know -- when you first met Jordan
26 Chandler, do you recall how old he was?

27 A. He was 13, as I recall.

28 Q. And how did you become involved with Jordan 4493

www.mjfacts.info

1 Chandler? Tell us.

2 MR. MESEREAU: Objection to the extent it

3 calls for hearsay.

4 THE COURT: Calls for a narrative, sustained.

5 Q. BY MR. SNEDDON: Well, describe to us, then,

6 the first contact you had with regard to Jordan

7 Chandler.

8 A. A lawyer --

9 MR. MESEREAU: Same objection. To the

10 extent it calls for hearsay, I'm going to object.

11 THE COURT: Overruled.

12 You may answer.

13 THE WITNESS: A lawyer in the community

14 referred his -- the parents, and -- are we using his

15 name?

16 Q. BY MR. SNEDDON: Yeah.

17 A. We're using his name?

18 Q. Jordan Chandler, yeah.

19 A. Okay. Who used Jordie -- who brought Jordie

20 to me, a lawyer who was representing the father of

21 Jordie at the time. If I recall, Jordie was being

22 represented at the time, for like 20 minutes or so,

23 by Gloria Allred. They wanted to switch lawyers.

24 And he asked me to interview the family, and I did.

25 Q. And as a result of the interviews and what

26 other actions you also took, did you eventually end

27 up filing a lawsuit against the defendant in this

28 case, Michael Jackson? 4494

www.mjfacts.info

1 A. I did.

2 Q. On behalf of Jordan Chandler?

3 A. I did file a lawsuit.

4 Q. On behalf of the family also, members of the
5 family?

6 A. You know, without seeing the lawsuit, the
7 mother and father, if I recall correctly -- I could
8 be wrong about this, without seeing the lawsuit. I
9 thought the mother and father were just the
10 guardians and didn't have their own claims that we
11 asserted. I don't think we ever asserted any claims
12 on behalf of the mother and mother. We just
13 asserted them on behalf of Jordie.

14 And the parents in the Chandler case were
15 divorced, and there was a lot of acrimony between
16 mom and dad, and in order to keep peace between mom
17 and dad, I came up with the idea that there should
18 be a joint guardianship, and I think we took --
19 that's what we did.

20 Q. All right. With regard to that particular
21 case, which would have been, I guess, Chandler
22 versus Jackson, correct?

23 A. It was.

24 Q. That would have been the heading? You did
25 file a formal lawsuit?

26 A. I did.

27 Q. And what jurisdiction was that lawsuit

28 filed? 4495

www.mjfacts.info

1 A. Los Angeles Superior Court.

2 Q. And in that particular lawsuit, do you
3 remember how many causes of action you alleged?

4 A. I think seven, roughly seven causes of
5 action.

6 MR. MESEREAU: Relevance, Your Honor.

7 THE COURT: Overruled.

8 You may proceed.

9 Q. BY MR. SNEDDON: And with regard to the
10 causes of action, what was the nature of the causes
11 of action alleged against the defendant Mr. Jackson?

12 A. The sexual molestation of Jordie Chandler.

13 Q. Now, did that particular case, the case of
14 Chandler versus Jackson, eventually result in a
15 settlement?

16 A. There was.

17 Q. And with regard to that particular
18 settlement, was there a particular form that the
19 settlement took?

20 A. "Form" meaning a contract?

21 Q. Well, a contract or some other document
22 to --

23 A. Yeah, there was a lot of documents that
24 surrounded that settlement.

25 Q. And with regard to the settlement, was it --
26 you've heard - I'm sure you're familiar more than I
27 am - the term "confession of judgment"?

28 A. Yes. 4496

www.mjfacts.info

1 Q. Was that particular form of document used in
2 the settlement of the Chandler versus Jackson
3 lawsuit?

4 MR. MESEREAU: Objection; relevance.

5 THE COURT: What's the relevance, Counsel?

6 MR. SNEDDON: The form of the settlement in
7 terms -- I mean, the form of the settlement -- do
8 you want me to go ahead and speak out, or do you
9 want to approach the bench?

10 THE COURT: I asked you the question.

11 MR. SNEDDON: All right. Then as I
12 understand it, there are settlements that are done
13 by way of contract, and there are settlements that
14 are done by way of confession of judgment.

15 THE COURT: What's the relevancy?

16 MR. SNEDDON: The legal effect of the
17 judgment, plus the --

18 THE COURT: All right. You may ask the
19 question.

20 Q. BY MR. SNEDDON: All right. I'm -- you're
21 far more capable than I am of delineating the
22 differences, but is there a difference between a
23 civil settlement that results from a contract and
24 one that results from a confession of judgment?

25 A. Yes.

26 Q. All right. Would you explain to the jury
27 what the difference is and what the legal effect is?

28 A. Yes. In a confession of judgment, it is as 4497

www.mjfacts.info

1 though we went to trial and had a lawsuit and the
2 jury came back with a verdict and we had a judgment,
3 or the Judge came back with a finding.
4 And when the Judge says somebody's at fault,
5 and "Here's your damages," you put it into a
6 judgment. And when you have a judgment, you can
7 file that judgment in the county and then you can
8 execute on that judgment, so that if -- and just as
9 an example, and I'll just make this number up, let's
10 say you had it for one dollar, a judgment for a
11 dollar. Well, if you have a judgment, you could
12 just go and take somebody's house or take somebody's
13 car, or go to their bank account and literally take
14 that dollar out to satisfy the judgment.
15 If you just have a release or a contract,
16 then you -- all you get left with, if the person
17 doesn't pay you the dollar, is a something that
18 says, "I promise to pay you a dollar." And then you
19 got to start all over and prove that person breached
20 that contract.
21 So in the Michael Jackson case, because
22 there were payments going to take place --
23 Q. Let's stay away from all that area, okay?
24 Just tell us about --
25 A. All right. Well, that's the best I can tell
26 you the difference.
27 Q. All right. So -- but in the Michael Jackson

28 case, you got a confession of judgment? 4498

www.mjfacts.info

1 A. I got a confession of judgment.

2 Q. Now, with regard to the case of Chandler

3 versus Jackson, all right --

4 A. Yes.

5 Q. -- you told us the causes of action involved

6 child molestation, correct?

7 A. Correct.

8 Q. Had you handled other child molestation

9 cases prior to the Chandler versus Jackson case?

10 A. The answer is, to the best of my

11 recollection, I had never handled a -- what I would

12 call a civil child molestation case sexually.

13 If what you're asking -- I don't want to --

14 I did handle, on the defense side, a family that was

15 accused of abuse of a child.

16 Q. Physical abuse.

17 A. It wasn't sexual abuse. So, if the question

18 is sexual molestation, to the best of my

19 recollection, I have never handled a sexual

20 molestation case before Michael Jackson and since

21 Michael Jackson.

22 Q. Now, at the time that you were representing

23 Jordan Chandler back in 1993 and '94, were you

24 aware, your own personal knowledge, whether or not

25 the Los Angeles County District Attorney's Office

26 was involved in investigating the sexual abuse

27 allegations against Mr. Jackson?

28 A. I do, and they were. 4499

www.mjfacts.info

1 Q. And of your own personal knowledge, were you
2 aware of the fact that at some point in time later,
3 that the Santa Barbara County District Attorney's
4 Office joined that investigation?

5 A. Yes.

6 Q. During the time that you were representing
7 Mr. Chandler, the child Chandler, not the father
8 Chandler, the child, Jordan Chandler, during the
9 time that you were representing him, were either --

10 let's just go one at a time so we don't get a
11 compound problem. But was the Los Angeles District
12 Attorney's Office given an opportunity to talk to
13 your client?

14 A. The Los Angeles County District Attorneys,
15 they talked to my client, they certainly did. They
16 talked to him all they wanted.

17 Q. And then later, when the Santa Barbara
18 District Attorney's Office joined in the
19 investigation, were they allowed access to your
20 client for interview purposes?

21 A. I mean, you know, I could be wrong. I think
22 you were. Or I don't know about you, but I thought
23 you were. I thought, but I don't remember that,
24 frankly, whether you were or you weren't. I know
25 when the police wanted to talk to Jordie during that
26 period of time, they had access to him, so which
27 ones I can't recall.

28 Q. Was there a time in which there was a 4500

www.mjfacts.info

1 request for your client, Jordan Chandler, to appear
2 before the Santa Barbara County Grand Jury?

3 A. Gee, I can't remember that really. There
4 may have been. I just don't remember.

5 Q. To your knowledge, did your client appear
6 before the Santa Barbara County Grand Jury?

7 A. I don't think so.

8 Q. Was there some point in time where your
9 client decided that he did not want to participate

10 in an investigation by --

11 MR. MESEREAU: Objection. Relevance;
12 foundation; and calls for speculation.

13 THE COURT: Sustained.

14 Q. BY MR. SNEDDON: Are you aware, as a
15 practicing lawyer in the State of California, that a
16 juvenile who has been the alleged victim of a child
17 molestation cannot be forced to testify --

18 MR. MESEREAU: Objection. Leading; and
19 relevancy; and mis -- and misstates the law.

20 MR. SNEDDON: No, it doesn't mis -- I'm
21 asking his professional legal opinion, Your Honor.

22 MR. MESEREAU: Calls for a legal conclusion.

23 THE COURT: I'll allow the question, but I'm
24 going to have you rephrase it because of the -- of
25 the way you asked it. I'll allow this subject
26 matter to be questioned.

27 Q. BY MR. SNEDDON: With regard to your

www.mjfacts.info

28 practice of law and in your civil litigation, and 4501

www.mjfacts.info

1 with regard to your representation of Jordan
2 Chandler in the Chandler versus Jackson lawsuit,
3 okay --

4 A. Yeah.

5 Q. -- were you aware or did you become aware of
6 the fact that there is a code section dealing with
7 the -- with a minor's right to refuse to testify in
8 a criminal prosecution?

9 A. I was aware of one in '93.

10 Q. And you were aware of that while you were
11 representing Jordan Chandler?

12 A. I was.

13 BAILIFF CORTEZ: Speak more into the
14 microphone.

15 THE WITNESS: What do you want me to do?

16 BAILIFF CORTEZ: Speak more into the
17 microphone.

18 THE WITNESS: Oh.

19 Q. BY MR. SNEDDON: Now, I guess the last
20 question I have, and I'm probably taking it too much
21 for granted, but with regard to the lawsuit
22 involving Chandler versus Jackson, was that resolved
23 in Chandler's favor?

24 MR. MESEREAU: Objection.

25 THE WITNESS: It was -- oop.

26 MR. MESEREAU: Move to strike. Vague; no
27 foundation; calls for speculation.

www.mjfacts.info

www.mjfacts.info

1 Q. BY MR. SNEDDON: You may answer.

2 A. It was absolutely resolved in Mr. -- in
3 Jordie Chandler's favor.

4 Q. All right. Let's fast-forward, if we can,
5 to the year 2003.

6 Are you familiar with an attorney by the
7 name of Bill Dickerman?

8 A. I am.

9 Q. And have you ever had contact with Mr.
10 Dickerman?

11 A. Before then or --

12 Q. No, in 2003.

13 A. Yes.

14 Q. Had you ever had any prior contact with Mr.
15 Dickerman of any kind?

16 A. Yes, he, I believe, tried to refer me a case
17 or cases in the past. Most of the cases I get are
18 from other lawyers who refer me business, and I know
19 that he did. I can't remember what the case was
20 about, and I know I didn't take it, but at least on
21 one occasion, if not more, he had called me and
22 asked me to help him in cases that he was involved
23 with.

24 Q. Okay. Now, before we get too far down the
25 road with Mr. Dickerman, I neglected to show you a
26 photograph.

27 Your Honor, I've had a photograph marked as

28 7-76, 776 for identification purposes. I'm 4503

www.mjfacts.info

1 approaching the witness. I've shown it to counsel.

2 Mr. Feldman, do you recognize the person

3 depicted in that photograph?

4 A. I do.

5 Q. Who is that?

6 A. Jordie Chandler.

7 Q. Is that an accurate depiction of what Jordie

8 Chandler looked like?

9 A. He was much better looking, I can tell you,

10 at that age. He was adorable. That's kind of

11 blurry.

12 MR. MESEREAU: Objection; move to strike the

13 gratuitous remarks.

14 THE COURT: Stricken.

15 MR. SNEDDON: Move that 776 be admitted into

16 evidence, Your Honor.

17 MR. MESEREAU: No objection, Your Honor.

18 THE COURT: The answer was stricken to the

19 question as to whether or not it was an accurate

20 picture of Jordan Chandler. That hasn't been

21 answered.

22 MR. SNEDDON: I thought you were just

23 striking the last part.

24 THE COURT: I struck the whole thing.

25 Q. BY MR. SNEDDON: Is that photograph, 776, an

26 accurate depiction of Jordan Chandler at or about

27 the time that you knew him?

28 A. Yes. 4504

www.mjfacts.info

1 THE COURT: All right. It's admitted.

2 MR. SNEDDON: May I publish it, Your Honor?

3 THE BAILIFF: "Input 4," Your Honor.

4 THE COURT: Yes.

5 Q. BY MR. SNEDDON: All right. Mr. Feldman,

6 the exhibit that is on the Elmo there, 776, that's

7 the one you just identified as the individual

8 depicted as Jordan Chandler, correct?

9 A. That's correct.

10 Q. All right. Thank you very much.

11 Now, let's get back to Mr. Dickerman. You

12 indicated that you had at least one prior referral

13 from him that you recall. Now, let's just talk

14 about something in general.

15 You say you get a referral. Is there

16 ordinarily, in the practice of law when somebody

17 refers you a case, an agreement called a referral

18 agreement?

19 A. Yeah. Depending on what kind of case,

20 obviously, that's being referred, but the answer is

21 yes.

22 Q. Could you explain to the ladies and

23 gentlemen of the jury how that referral agreement

24 usually works, in general terms?

25 A. Yeah, sure. If -- there are two ways,

26 generally, lawyers make their money. One is a

27 contingent fee agreement, where they only receive

28 payment if they are successful. And if they're not 4505

www.mjfacts.info

1 successful, they don't get paid. The second is just
2 a straight hourly kind of payment where you get paid
3 for every hour that you work.

4 In the contingent field, when a lawyer
5 refers another lawyer in the contingent field, some
6 lawyers, not all, want to participate in some
7 fashion, some way, and they then request the
8 referral fee. And the State Bar rules say that's
9 legal and you can do that, as long as you tell the
10 client in advance and the client consents to that
11 referral agreement.

12 Q. Now --

13 A. And it's traditionally done. Not
14 "traditionally," but depends where the case is
15 coming from and who the lawyer is, and, you know,
16 it's a whole variety of things.

17 Q. In 2003, did Mr. Dickerman refer you a case?

18 A. He did.

19 Q. And with regard to that particular case, was
20 there one of these referral agreements formed
21 between you and he?

22 A. Ultimately, yes. Not right at the
23 beginning. But ultimately, yes.

24 Q. As part of the referral process, did you
25 have a conversation with Mr. Dickerman?

26 A. Yeah, I'm sure I did. I must have.

27 Q. The first contact was by phone?

28 A. Oh, yeah. The first contact with Mr. 4506

www.mjfacts.info

1 Dickerman clearly was by phone.

2 Q. And did you eventually have an in-person
3 conversation with him?

4 A. In general. You're not talking about the
5 referral fee now. You're talking about just --

6 Q. Yeah, I'm talking about --

7 A. In general, yeah, sure. I mean, he called
8 me. He told me stuff. He then wanted to come in
9 and talk to me.

10 MR. MESEREAU: Objection. Hearsay; move to
11 strike.

12 THE COURT: Sustained.

13 THE WITNESS: I'm not going to say what he
14 said.

15 MR. SNEDDON: I know, and you didn't.

16 Q. Okay. So he had a telephone conversation
17 with you, and he told you some things over the
18 phone?

19 A. That's right.

20 Q. All right. As a result of that telephone
21 call, did you then have an in-person meeting with
22 Mr. Dickerman?

23 A. As a result of that, I had an in-person
24 meeting, yes.

25 Q. Do you recall whether or not, at the time
26 that you had the first in-person meeting with Mr.
27 Dickerman or the first meeting in person - the

28 sentence the other way was bad - with Mr. 4507

www.mjfacts.info

1 Dickerman --

2 A. Yes.

3 Q. -- do you recall whether or not the clients

4 that he was referring to you were present?

5 A. I don't think they were in the first

6 meeting.

7 Q. Now, at some point after that, then, did you

8 meet the individuals that were the subject of the

9 case referred to you by Mr. Dickerman?

10 A. Yes.

11 Q. And with regard to those -- the clients, do

12 you recall their names?

13 A. Yes.

14 Q. Who were they?

15 A. Janet Arvizo, her daughter Davellin, her son

16 Gavin, and her son Star.

17 Q. Now, let me go back. I neglected to ask you

18 one other question about referral agreements.

19 Does the fact that you take a referral

20 agreement from another lawyer obligate you to

21 continue that case to a point of filing a cause of

22 action or taking some form of action?

23 A. Absolutely not. Absolutely not.

24 Q. You had a meeting involving the family where

25 you met them?

26 A. Yes.

27 Q. Do you recall whether Mr. Dickerman was

28 present or not? 4508

www.mjfacts.info

1 A. My guess is he was, because I assume he
2 brought them to me and brought them to my office,
3 and he had contact, a lot of contact, with them
4 before he came to me, so I'm assuming he did. I'm
5 almost sure he was there. I would never have met
6 with them without him being there.

7 Q. And do you recall where the meeting took
8 place?

9 A. In my office. This is when I was at Fogel,
10 Feldman. This is not my new job, but when I had my
11 old law firm.

12 Q. Where was that office located?

13 A. In Santa Monica.

14 Q. Now, as a result of that first conversation
15 with the Arvizo family, did you decide to take a
16 form of -- a course of action of any kind?

17 A. Well, sure, of some kind.

18 Q. All right.

19 A. I mean --

20 Q. What would you categorize, in terms of the
21 way you handle cases, as the process that you felt
22 was going on at this point?

23 A. The process that I follow in my law office
24 at all times is people come in, they tell a -- the
25 factual story. We then -- depends on the case, but
26 generally speaking we then will do research, legal
27 research, especially in a case like this, to see and

28 try to understand what the law is. 4509

www.mjfacts.info

1 And because of the nature of the potential
2 defendants at that time, which was ABC, this Martin
3 Bashir, whatever his company was called, it involved
4 Michael Jackson, we were going to make sure we knew
5 what we were doing before we started. And so after
6 we sort of heard this version of the facts, of some
7 facts anyway, that's the next step that we did.
8 We also I think got -- we were shown
9 letters. Mr. Dickerman had letters that he had
10 written to the BBC in England, and he wrote letters
11 to Mark Geragos, and Geragos to him, I can't recall
12 which way they went, but -- so we had those, and we
13 were trying to make heads or tails in a legal sense,
14 which nobody had done up to that point in time, to
15 try to focus on what is this about and where -- are
16 we interested in taking any more steps.

17 Q. Now, with regard to the legal research that
18 you did, what was the research that you did?

19 A. We had to research -- the fundamental issue
20 was that Martin Bashir had done a tape at Mr.
21 Jackson's house that Ms. Arvizo had told us --

22 MR. MESEREAU: Objection to the extent it
23 calls for hearsay, as well as narrative.

24 THE COURT: Sustained.

25 Q. BY MR. SNEDDON: Just what are the issues
26 that you were researching as a result of your
27 conversation with the Arvizo family?

28 A. Well, the -- whether or not Martin Bashir or 4510

www.mjfacts.info

1 ABC had to have consent to put the children on
2 television.

3 Q. Now, with regard to other aspects of the
4 information provided to you by the Arvizo family in
5 this meeting, did you decide on another course of
6 action that you felt you needed to do to determine
7 whether you were going to represent this family?

8 MR. MESEREAU: Objection. That's leading;
9 move to strike.

10 THE COURT: Overruled.

11 You may answer.

12 THE WITNESS: Yes.

13 Q. BY MR. SNEDDON: And what did you do in that
14 connection?

15 A. I decided at some point in time that I had
16 to make some heads or tails out of what was being
17 told to me by Mrs. Arvizo, by Star, the young boy,
18 and Gavin. And I concluded that I wasn't going to
19 be able to do --

20 MR. MESEREAU: Objection. Move to strike;
21 impermissible opinion; no foundation; relevance;
22 hearsay.

23 MR. SNEDDON: Judge --

24 THE COURT: The question, though, was what
25 did he do next, so he answered that. So his
26 thoughts aren't being called for at this point.

27 MR. SNEDDON: Judge, I believe under 1250 of

www.mjfacts.info

1 THE COURT: This just relates to the question
2 and answer, Counsel. The question didn't call for
3 his thoughts. Don't look at me like that.

4 MR. SNEDDON: I -- Judge, I was thinking of
5 the next question I was going to ask. If you took
6 it the wrong way, I'm sorry, but I wasn't --

7 THE COURT: All right. Go ahead.

8 MR. SNEDDON: I mean, it's --

9 Q. All right. So you -- you decided on a
10 course of action?

11 A. I did.

12 Q. As a result of the information given to you?

13 A. Yes.

14 Q. And what was that course of action?

15 A. The course of action was to allow an expert,
16 which I was not, to spend some time with all three
17 of them. Davellin wasn't really the issue, but
18 Janet, Star and Gavin, and let some expert figure
19 out, if he could, what was happening.

20 Q. All right. Did you contact somebody to help
21 you make that evaluation?

22 A. I did.

23 Q. And who was that?

24 A. Dr. Stanley Katz.

25 Q. And are you familiar -- were you familiar
26 with Dr. Katz prior to the time that you decided to
27 use him in the case --

28 A. Yes. 4512

www.mjfacts.info

1 Q. -- involving the case that Mr. Dickerman had
2 referred to you?

3 A. Yes.

4 Q. And what was your prior contact with Dr.
5 Katz?

6 A. In 1987, I was defending a family who had
7 been wrongfully accused of abusing a child, and the
8 court so found, but -- and Dr. Katz, the first time
9 I met him, was an expert that we hired for the
10 defense to assist in that trial, and he testified in
11 that case.

12 Q. Did you hire Dr. Katz or did he participate
13 in the case of Chandler versus Jackson?

14 A. Yeah, in Chandler versus -- well,
15 "participate." Chandler versus Jackson moved very
16 quickly, because he was a minor.

17 Q. Did you retain him?

18 A. So I retained him, yes.

19 Q. And did he play any role in the case itself?
20 It never went to trial, correct?

21 A. The case never went to trial. We never got
22 that --

23 MR. MESEREAU: Objection; asked and
24 answered.

25 MR. SNEDDON: I'll move on, Your Honor.

26 It's not a problem.

27 THE COURT: All right.

28 Q. BY MR. SNEDDON: As a result of your 4513

www.mjfacts.info

1 contacts with Dr. Katz, did you decide to send the
2 Arvizo family to Dr. Katz?

3 A. Yes.

4 Q. In 2003?

5 A. Yes.

6 Q. Okay. Now, do you recall when that was,
7 approximately, what month it was?

8 A. Either May or June, in that time frame, of
9 2003.

10 Q. At some point in time, did you receive a
11 report back from Dr. Katz about his initial contacts
12 with the family?

13 A. Oral. I got an oral -- I had an oral
14 conversation with him.

15 Q. Do you recall whether it was in person or
16 over the phone?

17 A. I think it was in person, quite frankly. I
18 think he came to my office.

19 Q. Now, after you received this report, did you
20 do anything?

21 A. Yes.

22 Q. What did you do?

23 A. I called the Arvizo family, Mrs. Arvizo and
24 the three children, back into my office for a
25 meeting.

26 Q. All right. And in that meeting, what was
27 the topic discussed?

28 MR. MESEREAU: Objection to the extent it 4514

www.mjfacts.info

1 calls for hearsay.

2 MR. SNEDDON: All right.

3 THE COURT: Overruled. The subject matter

4 only.

5 THE WITNESS: The subject matter only. The

6 subject matter was the options -- well, what Dr.

7 Katz had told me, and their -- the options that

8 existed at that point for that family. Different

9 courses of action that were available to them at

10 that point in time.

11 MR. SNEDDON: Your Honor, at this point I

12 would ask the Court to be able to have the witness

13 be able to recount those, and that it would be

14 admissible under 1250 of the Evidence Code not only

15 as to this witness's state of mind, but also as to

16 the state of mind and actions of the Arvizo family.

17 MR. MESEREAU: And I object. Hearsay,

18 foundation; relevance; and calls for improper

19 conclusion; and 352.

20 THE COURT: Whose statements are you offering

21 for the state of mind only?

22 MR. SNEDDON: Your Honor, both. I mean,

23 you're asking me, so I guess I can go beyond --

24 THE COURT: Just give me names.

25 MR. SNEDDON: All right. This witness, Mr.

26 Feldman, with regard to his state of mind with

27 regard to what the future of any lawsuit may be at

28 this point; and secondly with regard to the Arvizos, 4515

www.mjfacts.info

1 any decision that they would have made regarding any
2 lawsuits against any individuals at this point in
3 time, which I believe is an issue in this case.

4 THE COURT: The objection is sustained.

5 Q. BY MR. SNEDDON: As a result of your
6 conversation with the Arvizos on this particular
7 day, what was the next step that you took in
8 evaluating this case?

9 A. Well, the next step I took was, after -- I
10 won't say what I said. I understand the ruling.

11 They went back and saw Dr. Katz again. And I then
12 went to the head of the --

13 Q. Let's just stop there for just a second, Mr.
14 Feldman.

15 A. All right.

16 Q. So as a result of the conversations that you
17 had with the Arvizos, there was a decision to go
18 back to see Dr. Katz with the family again, correct?

19 A. Their decision to; that they wanted to go
20 back and see him again.

21 Q. Okay. And to your knowledge, did that
22 happen?

23 A. Yes.

24 Q. And to your knowledge, did you then find out
25 the results of Dr. Katz' subsequent conversations
26 with the family?

27 A. Yes.

28 Q. And as a result of those conversations with 4516

www.mjfacts.info

1 Dr. Katz, did you decide on a further course of
2 conduct that you felt needed to be done?

3 MR. MESEREAU: Objection; leading.

4 THE COURT: Overruled.

5 THE WITNESS: Yes.

6 THE COURT: You may answer.

7 Q. BY MR. SNEDDON: What did you do?

8 A. I then believed that -- Dr. Katz believed he
9 had a report, and I then went to the head of --

10 MR. MESEREAU: Objection. Move to strike;
11 hearsay.

12 THE COURT: His belief is stricken. The
13 question is, "What did you do?"

14 THE WITNESS: I went to the head of the
15 Department of Children Services, Los Angeles County,
16 a fellow by the name of David Saunders, who was the
17 head of the Department of Children & Family
18 Services.

19 Q. BY MR. SNEDDON: And did you contact him
20 prior to going down to the department?

21 A. I did.

22 Q. By what form?

23 A. Well, that's a good question. I contacted
24 him first between the meeting where I called the
25 Arvizos into my office after Dr. Katz talked to me
26 and before they went back. I talked to him and
27 alerted him to a possibility that I might need to

28 talk to him. 4517

www.mjfacts.info

1 Q. And then after that?

2 A. And what I can't remember is if I saw him at
3 a social gathering where we were both at, or did
4 that by phone. I just -- it was one or the other,
5 but I definitely met with him or talked to him and
6 told him that -- I didn't tell him what it involved.
7 I just told him it was a high-profile thing, and if
8 it happened, I needed to have secrecy.

9 Q. All right. Now, with regard to after your
10 second conversation with Dr. Katz, did you actually
11 go down to the Los Angeles County Department of
12 Child & Family Services?

13 A. Yeah, well, I did then definitely call him
14 and talk to him again.

15 Q. Before you went down there?

16 A. Before I went down, and then after talking
17 to him and telling him what it was --

18 MR. MESEREAU: Objection. Move to strike;
19 asked and answered.

20 THE COURT: Sustained. Well, not asked and
21 answered, but it's not responsive.

22 Q. BY MR. SNEDDON: So you had a telephone call
23 with him?

24 A. I did have a telephone call.

25 Q. And after that telephone call, did you go
26 down there, and with whom?

27 A. I went down there with a colleague of mine

28 from my office and Dr. Katz. 4518

www.mjfacts.info

1 Q. And what was the purpose for the three of
2 you going down to the L.A. County Department of
3 Child & Family Services?

4 A. I wanted to get absolute assurance from the
5 head of the department that there would be no leaks
6 of anything that they decided to do or not do in
7 connection with the report that Dr. Katz was going
8 to make.

9 Q. Now, are you familiar with the law in the
10 State of California that requires certain
11 psychologists or psychiatrists to make a mandatory
12 report --

13 A. I am.

14 Q. -- when they suspect child abuse or child --

15 MR. MESEREAU: Objection. Leading; move to
16 strike.

17 THE COURT: Overruled.

18 THE WITNESS: I am aware of that.

19 Q. BY MR. SNEDDON: And was this the purpose
20 for the three of you going down to the L.A.
21 department?

22 A. The purpose was for him to report, but he
23 could have done it on a hotline like was done in
24 '93. This time it was to have it guaranteed it was
25 never going to leak out to the press.

26 Q. Okay. Now, as a result of this
27 conversation, were you directed to another agency?

28 A. Well, he directed me into a room with two 4519

www.mjfacts.info

1 people. That's where he directed me.

2 Q. You had a conversation with those people?

3 A. I had a conversation with those people.

4 Q. And as a result of that conversation, were
5 you directed to another agency? Let me put it this
6 way: Did they take the report?

7 A. They didn't take the report, and they didn't
8 direct us to another agency. They --

9 MR. MESEREAU: Objection. Hearsay; move to
10 strike.

11 THE COURT: Overruled.

12 Q. BY MR. SNEDDON: Now, after you left the
13 agency, did you decide on a course of action?

14 A. Yes.

15 Q. And was this regarding and connected with
16 Dr. Katz' responsibility as a mandated reporter?

17 A. Yes, because I felt he still hadn't reported
18 because they didn't take the report.

19 MR. MESEREAU: Objection. Objection. Move
20 to strike; nonresponsive.

21 THE COURT: After "Yes" is stricken.

22 Q. BY MR. SNEDDON: All right. Who did you
23 call?

24 A. I called you.

25 Q. Okay. And as a result of that conversation,
26 were you eventually contacted by somebody else?

27 A. My recollection is that I was contacted by a

28 police officer. Or he may have been a sheriff. I 4520

www.mjfacts.info

1 don't know what he was, but he was some law
2 enforcement person.

3 Q. Now, during the course of the conversation
4 between you and I, did the subject of a civil
5 lawsuit against Michael Jackson in connection with
6 the substance of the mandated report come up?

7 A. Yes.

8 MR. MESEREAU: Objection; leading.

9 THE COURT: Overruled. The answer was,

10 "Yes."

11 Q. BY MR. SNEDDON: And in that connection, was
12 there a representation made by you to me concerning
13 a civil lawsuit?

14 A. Yes.

15 MR. MESEREAU: Objection; leading.

16 THE COURT: Overruled. The answer was,

17 "Yes."

18 Q. BY MR. SNEDDON: And with regard to that
19 representation - and, Your Honor, I'm offering this
20 under 1250 - what was said by you to me?

21 A. No lawsuit. I would not file a lawsuit.

22 And there was no plans to file a lawsuit. And that
23 you would investigate it and make up your own mind.
24 Not you, but the police.

25 Q. Now, do you currently -- at some point in
26 time did you feel you represented the Arvizo family
27 in some kind of litigation?

www.mjfacts.info

28 A. That's a great question. I've thought about 4521

www.mjfacts.info

1 it. Yeah, I mean -- yes, I guess -- I don't know
2 about some litigation. I certainly represented them
3 in everything I did, because I'm a lawyer and I was
4 doing it as a lawyer. So, yes. The answer is yes.

5 Q. With regard to the information and the
6 substance of the original conversation with the
7 Arvizo family, did you feel that you represented
8 them at least at some point with regard to the
9 exploration of the issues involving the Bashir tape
10 and things of that nature?

11 A. Yes. For sure.

12 Q. And was there a certain point in time where
13 that representation ended?

14 A. Yes.

15 Q. And when was that?

16 A. Approximately -- I terminated them, my
17 relationship with them sometime in October, I think,
18 if not sooner. I think effectively it was August or
19 September, somewhere in that time, of '03, and then
20 shortly thereafter I wrote a letter terminating my
21 relationship, confirming that I was not their lawyer
22 and that I wasn't going to proceed with anything.

23 Q. And at any point in time from the time you
24 first met the Arvizo family and to the time you
25 wrote the letter saying you were not going to
26 represent them, which would have been somewhere
27 around October of 2003, did you ever file an action

28 on their behalf? 4522

www.mjfacts.info

1 A. No, never have.

2 Q. Now, subsequently, in the year 2004, you did
3 some legal work for the Arvizo family, correct?

4 A. Yes.

5 Q. And you -- and you have made appearances in
6 court on representing the family; is that correct?

7 A. Well, I haven't physically made any
8 appearance, but I have occasionally done things,
9 very limited, for them.

10 Q. And have you done that for other clients
11 before?

12 A. Oh, yeah. I was --

13 Q. Is there a term in the legal profession that
14 we call that?

15 A. Yes.

16 Q. What's it called?

17 A. Dumb.

18 Q. That wasn't exactly the one I had in mind.

19 A. Pro bono. Pro bono. Stupid.

20 Q. And do you consider what you did with the
21 Arvizos after the point that you were no longer
22 officially their lawyer to be pro bono work for the
23 family?

24 A. Yeah. Absolutely. I never expected to get
25 paid, and I've done very limited stuff, and the
26 stuff that I've done is just stuff that I felt that
27 I should do. That nobody was going to do it for

28 them, and I got this thing rolling and I ought to do 4523

www.mjfacts.info

1 it, and I have very limitedly done things.

2 Q. Is one of the things that you did for them
3 was to file a claim with the Los Angeles County
4 Department of Child & Family Services?

5 A. That I did for both of us, because of
6 again, because I was upset that the county did that,
7 so we filed a claim.

8 Q. Why did you file a claim against Los Angeles
9 County on behalf of Janet Arvizo?

10 A. Because the County of Los Angeles has a
11 sworn obligation to protect children. And here,
12 they swore -- I went to the head to get this thing
13 protected, and the minute Mr. Jackson gets arrested,
14 the first thing that happens is that county leaks
15 out a report that was created and written after he
16 was arrested, a memo. It comes out, it quickly gets
17 on the news, and quickly blasts this family. And I
18 thought, of all the things that I've seen as a
19 lawyer --

20 MR. MESEREAU: Objection. Move to strike;
21 nonresponsive; giving a narrative; impermissible
22 opinion.

23 THE COURT: It is responsive, but it is a
24 narrative answer. So I'll sustain the objection.

25 Q. BY MR. SNEDDON: All right. So with regard
26 to this particular claim that you filed, it's not a
27 lawsuit, right?

28 A. It was a claim. 4524

www.mjfacts.info

1 Q. And that's required when you sue a
2 governmental agency, to file a claim first?

3 A. Yes.

4 Q. And then what is the -- we've heard this
5 term thrown around in the courtroom in relationship
6 to other things, what's the "statute of limitations"
7 for an individual to actually bring the lawsuit once
8 the claim is filed?

9 A. You have 180 days to file the claim from the
10 event. And then -- so you have to have a claim on
11 file if you were ever going to do anything. And
12 then once they deny the claim, you have another 180
13 days, essentially, to bring a lawsuit once it's
14 denied.

15 Q. And as a result of that claim that you filed
16 on behalf of Janet Arvizo, has the second 180 days
17 elapsed?

18 A. It has as to Janet, and it has as to
19 Davellin. I don't think it has, frankly, as to the
20 minors. But it certainly has as to -- Janet
21 couldn't file a lawsuit today and her daughter
22 couldn't file a lawsuit today.

23 Q. And that's because they have a certain
24 number of years after they reach the age of
25 majority, 18, to file a claim or a lawsuit?

26 A. That's my understanding. Once they file a
27 claim it protects their rights, I think. You know,

28 I really -- this was a claim that asked for an 4525

www.mjfacts.info

1 apology.

2 Q. So they were never seeking monetary damages?

3 A. Well, who knows? But, I mean, there

4 really --

5 MR. MESEREAU: Objection; move to strike.

6 THE WITNESS: I don't know what --

7 THE COURT: Just a moment.

8 The objection is sustained. Any answer is

9 stricken.

10 Q. BY MR. SNEDDON: At the time that you made

11 the written claim to the County of Los Angeles, did

12 you demand monetary damages?

13 A. It had -- it probably said words in there,

14 whatever the damages are. It didn't have a number,

15 I can tell you that. And it had -- I mean, you

16 can't file a lawsuit without the claim. I mean,

17 there's no such thing as a lawsuit for an apology.

18 So it said some -- if I saw it, if you had it, I

19 could tell you, but it was really to conduct a --

20 get the county to do something, for the next kid.

21 MR. MESEREAU: Move to strike the gratuitous

22 remarks at the end; nonresponsive; impermissible

23 opinion.

24 THE COURT: I'll strike the last sentence.

25 Q. BY MR. SNEDDON: During the time that you --

26 since you first met Janet Arvizo --

27 A. Yes.

28 Q. -- and the Arvizo family, were you ever 4526

www.mjfacts.info

1 asked to file a lawsuit against Michael Jackson?

2 MR. MESEREAU: Objection. Move to strike;

3 calls for inadmissible hearsay; no foundation.

4 THE COURT: The objection is overruled.

5 You may answer.

6 THE WITNESS: I have never been asked to

7 file any lawsuit against Michael Jackson.

8 MR. SNEDDON: Nothing further, Your Honor.

9 MR. MESEREAU: May I take just a second, Your

10 Honor? I have to get some materials.

11

12 CROSS-EXAMINATION

13 BY MR. MESEREAU:

14 Q. Good morning, Mr. Feldman.

15 A. Good morning, sir.

16 Q. Mr. Feldman, if Gavin Arvizo decided at some

17 point in the future to sue Mr. Jackson for alleged

18 sexual abuse, how much time would he have to file

19 that action?

20 A. I think he'd have till his 20th birthday.

21 Q. If Star Arvizo decided in the future to sue

22 Mr. Jackson for alleged sexual abuse, how much time

23 would he have to file that lawsuit?

24 A. I think the answer's the same. 20.

25 Q. If, at the end of this trial, they were to

26 decide, you know, "We'd like to sue," they'd have

27 plenty of time to do it, wouldn't they?

28 A. "They" meaning the boy -- 4527

www.mjfacts.info

1 Q. Gavin.

2 A. Not Janet.

3 Q. Gavin and Star.

4 A. The two boys?

5 Q. Yes.

6 A. If they wanted to at the end of the trial,

7 they could sue, sure.

8 Q. Isn't it true that a judgment of conviction

9 in a criminal case for anything related to child

10 molestation could be dispositive in a parallel civil

11 suit alleged for the same facts?

12 A. As long as it's a felony conviction, that's

13 right.

14 Q. In other words, if Mr. Jackson were

15 convicted of felony child molestation in this case,

16 either Gavin Arvizo or Star Arvizo could use that

17 conviction to essentially win a civil case regarding

18 similar alleged facts against Mr. Jackson?

19 A. That's correct.

20 Q. If there were a conviction for felony child

21 molestation in this case, and if Star or Gavin

22 elected to sue in a civil case based on the similar

23 alleged facts of sexual abuse, essentially the only

24 issue remaining would be how much money you get,

25 correct?

26 A. Probably. I think that's -- it's close

27 enough. I mean, nothing is that simple, as just

28 stated. You know it as well as I. But essentially 4528

www.mjfacts.info

1 I think that's what would happen.

2 Q. Well, you would have to follow certain civil
3 procedures in civil court, but essentially, Mr.
4 Feldman, you could take the judgment of conviction,
5 you could walk into civil court, you could lodge it
6 with the court, you could ask a judge to determine
7 that liability has been established, true?

8 A. Yes. You get these problems with appeals,
9 and the impact of appeals, and it's a complicated
10 thing, but the answer is ultimately yes.

11 Q. And one of the reasons for that is that the
12 burden of proof in a criminal case is proof beyond a
13 reasonable doubt. The burden of proof in a civil
14 case is preponderance of the evidence, and if you
15 have proof beyond a reasonable doubt, you
16 automatically have proof by a preponderance of the
17 evidence, as you would need to have it in civil
18 court, true?

19 A. That's the theory.

20 Q. Well, that's correct, right?

21 A. Yeah, that's the theory behind it.

22 Q. All right. Now, let's assume there was a
23 conviction in this case and that Mr. Jackson were
24 convicted of felony child molestation, and let's
25 assume that Gavin and Star then decided, "We want to
26 file a civil suit for millions of dollars in civil
27 court," okay?

28 A. Yeah. 4529

www.mjfacts.info

1 Q. On similar alleged facts. And let's assume
2 the process you've just identified, where you walk
3 into civil court, you follow rules, and you
4 essentially establish to a civil court judge that
5 liability exists.

6 If that were to happen, whoever the civil
7 lawyer was representing the Arvizos would have
8 avoided costs of investigation, experts,
9 depositions, filing fees, messenger fees, all sorts
10 of legal fees, right?

11 A. Well, look, I don't want to open that
12 hypothetical. You'd have to be nuts to do that,
13 what you're saying, as a civil lawyer.

14 Q. Sir --

15 A. You'd have to be nuts.

16 Q. Sir, did you tell a grand jury in Santa
17 Barbara County that you had incurred tremendous
18 costs of expenses during your lawsuit against Mr.
19 Jackson in 1993?

20 A. I did. And it was true.

21 Q. And if liability were established through a
22 criminal conviction, a civil litigator could avoid
23 most of those costs, correct?

24 A. Some of those costs. Not most. Some. I
25 mean, certainly some you would avoid.

26 Q. You could avoid a lot of investigative
27 costs, correct?

28 A. You know, it's -- can I -- 4530

www.mjfacts.info

1 Q. Just answer my question, if you would,
2 please.

3 A. I can't answer it that way. If I could
4 explain to you why. You know, I'll tell you why I
5 can't, and you can ask me the next question and you
6 can get to the answer.

7 Q. Is your answer you would not avoid
8 investigative costs?

9 A. No, it's the amount of investigative costs
10 we're talking about.

11 Q. Okay. Did you tell the jury today that when
12 you were in front of the grand jury you mentioned
13 the enormous amount of expenses and legal fees you
14 had incurred in 1993 litigating that case until it
15 settled?

16 MR. SNEDDON: Object. Asked and answered,
17 Your Honor.

18 THE COURT: I'm not -- I'll sustain the
19 objection if you're asking him what he previously
20 testified to --

21 MR. MESEREAU: Yes.

22 THE COURT: -- today. I mean, you're saying,
23 "What did you just testify to on direct?"

24 MR. MESEREAU: I couldn't -- to be honest,
25 Your Honor, I couldn't tell if he had actually
26 addressed that issue. It's a long answer.

27 THE WITNESS: I'm happy to -- the legal fees

28 wouldn't change. The costs would change. We're 4531

www.mjfacts.info

1 just debating how much those costs change. But the
2 costs would change. The legal fees would be the
3 same. If you're on a contingent fee, you don't get
4 paid any more if you work a lot or work a little.

5 Q. BY MR. MESEREAU: But if you were to gauge
6 your legal fees at hours, sir, and you didn't have
7 to prove liability, you would save a tremendous
8 amount in legal fees, wouldn't you?

9 A. Well, sir, I keep trying to tell you, that
10 ain't the way it works, and you want to keep saying
11 it is. Now, I can tell you how it works, and then
12 you can get to what you want to get.

13 Q. If you had to try a civil case on liability,
14 Mr. Feldman, it could go months, couldn't it?

15 A. Sure.

16 Q. If you have a judgment of felony conviction
17 in a criminal case and you walk into civil court and
18 establish it, you don't have a trial in civil court
19 for months on liability, correct?

20 A. You have to --

21 Q. Yes or no?

22 A. You could, if you -- you know, you could. I
23 can't answer it the way you want me to answer. I'm
24 happy to explain it to you, and maybe we can get to
25 the answer.

26 Q. Would a judgment of felony conviction in
27 criminal court possibly eliminate a trial on

28 liability in civil court for similarly alleged 4532

www.mjfacts.info

1 facts? Yes or no.

2 A. Do you count punitive damages in

3 "liability," or not?

4 Q. Sir, I'm asking you to answer my question.

5 A. Well, I can't -- I can't answer it this way.

6 Liability has a lot of aspects to it, sir, and one

7 of the things is the finding of malice.

8 Q. Okay.

9 A. And that's separate from what you're talking

10 about.

11 Q. In other words, if you could avoid the

12 liability phase of a civil case, you wouldn't save

13 some time in legal fees?

14 A. Of course you would save some time, and you

15 would save some money. We're just talking about how

16 much. You keep saying it's -- there's -- it would

17 be a total saving, and I'm trying to explain to you

18 that's not what would happen. It wouldn't go down

19 that way.

20 Q. You wouldn't have to prove liability,

21 because it would have been proven in a criminal

22 court, correct, or not?

23 A. You'd have to prove malice, though.

24 Q. Correct or not, Mr. Feldman?

25 A. Well, how many times can I go through this

26 with you?

27 Q. Are you saying if you get a judgment of

28 conviction in criminal court for felony child 4533

www.mjfacts.info

1 molestation and you then walk into civil court with
2 civil allegations based on the same facts, you still
3 have to establish liability? Is that what you're
4 saying?

5 A. Not liability as to that aspect. But for
6 malice, you would still have to prove it.

7 Q. Okay. All right. Now, what is the statute
8 of limitations for civil fraud?

9 A. Civil fraud?

10 Q. Yes.

11 A. Three years from discovery.

12 Q. Okay. Were you aware that Attorney William
13 Dickerman wrote letters on behalf of Janet Arvizo
14 to Attorney Mark Geragos alleging fraud?

15 A. Not sitting here. I thought it was over
16 their belongings, or something, that he wrote
17 letters.

18 Q. You thought the letters were only about
19 belongings?

20 A. You know what? I don't know. I'm guessing.
21 Show me the letters and maybe it will refresh my
22 memory. I remember there was letters to Mark
23 Geragos, and that's what was significant to me.
24 What was in them, I can't remember, unless you show
25 me the letters.

26 Q. Do you recall at some point during your
27 relationship with Prosecutor Sneddon, Mr. Sneddon

28 spoke to the media and said, "If they're going to 4534

www.mjfacts.info

1 sue, I hope they don't do it until after the
2 criminal case is done"?

3 MR. SNEDDON: I'm going to object to the
4 word "relationship."

5 THE WITNESS: I don't even remember it
6 happening.

7 THE COURT: Just a moment.

8 You're asking him what Mr. Sneddon said, if
9 he --

10 MR. MESEREAU: If he was aware of it.

11 THE COURT: That's not how you phrased it.

12 MR. SNEDDON: No.

13 THE COURT: I'll sustain the objection.

14 Q. BY MR. MESEREAU: Mr. Feldman, Prosecutor
15 Sneddon asked you about a technical term in civil
16 litigation called "confession of judgment"?

17 A. Yes.

18 Q. Right?

19 A. Right.

20 Q. Now, in the civil case where you represented
21 Mr. Chandler and his parents against Mr. Jackson,
22 there was a cross-complaint, was there not?

23 A. There was?

24 Q. Mr. Jackson sued for extortion, didn't he?

25 A. I don't know. I know he claimed -- I know
26 that his investigator, Mr. Pellicano, claimed
27 extortion.

28 Q. You don't recall? 4535

www.mjfacts.info

1 A. I'm not saying it didn't happen. I just
2 don't recall.

3 Q. Okay. And typically, in a settlement like
4 the one described by Prosecutor Sneddon, if someone
5 agrees to pay money to the other side, the other
6 side would like the payment of that money secured by
7 what is called a confession of judgment, correct?

8 A. That's right. When it's paid over time,
9 that's correct.

10 Q. Okay. And the purpose of a confession of
11 judgment is that if the paying party stops paying,
12 you can run into civil court and obtain what is
13 called a certified judgment so you can then collect
14 on their assets?

15 A. Correct.

16 Q. Right?

17 A. That's right.

18 Q. And if you didn't have that confession of
19 judgment, your only remedy would be to then file
20 another lawsuit for breach of contract, correct?

21 A. That's right.

22 Q. So what Mr. Sneddon was talking to you about
23 was ways that you have to collect money that you're
24 owed in a settlement, true?

25 A. I don't know what he was talking to me
26 about. He asked me questions, and I answered the
27 best I could. What you've said is true, and that's

28 what I thought I just said. 4536

www.mjfacts.info

1 Q. And typically in a civil settlement, and
2 you've done many of them, obviously, there is a
3 provision in the settlement agreement which says
4 that neither side admits liability, or words to that
5 effect, correct?

6 A. Generally. Not every one, but generally
7 that's true.

8 Q. And essentially what that means is neither
9 side admits wrongdoing, correct?

10 A. Correct.

11 Q. And the confession of judgment has nothing
12 to do with an admission of wrongdoing or liability?

13 A. Well, it would have the same impact if you
14 had to file it. It would be a judgment for that
15 amount. I don't know what impact it's going to
16 later be. I've never handled a case where you filed
17 a confession of judgment, and then somebody tried to
18 use that in another case to say you admitted
19 something. I frankly don't know the answer.

20 Q. It's never used to say someone admitted
21 something. It's simply used to collect the money
22 you're owed, right?

23 A. Sir, I just told you, I've never researched
24 that issue, and -- so you can't -- you got the wrong
25 person. I've never had someone where I had to go
26 use it.

27 I didn't have to use it with Mr. Jackson, so

28 I can't tell you the answer. I know it's -- it 4537

www.mjfacts.info

1 is -- my concern was the making sure, if the money
2 wasn't paid by Mr. Jackson, we could go into court
3 and start seizing his assets. That didn't happen.
4 He paid. It never happened.

5 Q. Would you agree that in many civil
6 settlements of civil cases, you will have both the
7 provision that says neither side admits wrongdoing
8 or liability as well as a confession of judgment?

9 A. It's rare you get a confession of judgment.

10 It is very -- typical that you get neither party
11 admits wrongdoing in a release. It's typical. You
12 don't need the confession, because you usually
13 exchange the release and the money at the same time.
14 So there isn't that issue.

15 Q. But you need a confession of judgment if you
16 want to secure payments to be made in the future,
17 right?

18 A. That you need. That's right. And that's
19 what we got.

20 Q. And if payments are to be made in the future
21 by any settling party, you would almost be foolish
22 not to have a confession of judgment, correct?

23 A. I don't know. We'll let somebody else worry
24 about who's foolish. We did it. We thought it was
25 the appropriate thing. We demanded it. We got it.

26 Q. Please answer my question, Mr. Feldman.

27 A. I don't know what's foolish for lawyers to

28 do. I mean, I haven't thought about it. It's a 4538

www.mjfacts.info

1 good practice - I did it - to get it. I mean, I
2 demand to get it for my clients. That's all I can
3 tell you.

4 Q. You demand to get it for your clients
5 because if payments were to stop, you would have a
6 faster way --

7 A. Sure.

8 Q. -- to obtain that value than you would if
9 you had to sue for breach of a settlement agreement,
10 right?

11 A. Yes. That's what I think I'm saying.

12 Q. And when you have your clients get a
13 confession of judgment in a settlement agreement in
14 a civil case, typically there also is a provision
15 where neither side admits any wrongdoing to each
16 other, right?

17 A. The settlement agreement will say that,
18 that's correct.

19 Q. And that's what you had in 1993 in the
20 Chandler case, correct?

21 A. We had the settlement language that said
22 that, and we had a confession of judgment.

23 Q. You had settlement language that said
24 neither side admits wrongdoing to the other, and you
25 also had the confession of judgment you just
26 described, true?

27 A. True.

28 Q. Now, did I hear you say, in response to the 4539

www.mjfacts.info

1 prosecutor's questions, you stopped representing

2 Janet Arvizo in the fall of 2003?

3 A. The first time.

4 Q. Pardon me?

5 A. The first time.

6 Q. That's the first time you stopped?

7 A. That's the first time I stopped.

8 Q. Okay. Now, as I look at pleadings filed by

9 your law firm in this case, I count no less than

10 four lawyers representing the Arvizos well into

11 2005, correct?

12 A. That's why I answered the question the way I

13 did. I said that's the first time that I terminated

14 the relationship with Ms. Arvizo.

15 Q. And in 2005, you have represented the

16 Arvizos in documents filed in this particular

17 criminal case, correct?

18 A. Correct.

19 Q. A lawyer named Julian Brew from your firm

20 has also represented the Arvizos in documents filed

21 in this criminal case in 2005, correct?

22 A. Well, my law firm, because of me, has done

23 this for the -- Miss Arvizo, we've done it for her

24 parents, we've -- and for the newborn baby. I think

25 those are the three people. But I may be wrong.

26 Q. Let me rephrase the question.

27 A. Mr. Brew works for me. I mean, I don't want

28 to demean him. I mean, he works with me. 4540

www.mjfacts.info

1 Q. Mr. Brew is a lawyer with your law firm,
2 correct?

3 A. Yes.

4 Q. He has represented the Arvizos in the year
5 2005, correct?

6 A. The law firm has represented her, and he's
7 one of the people, to be technical.

8 Q. Sir, you work for or your partner with
9 approximately a 600-person law firm, correct?

10 A. He's one of the lawyers that worked on this
11 case. That's what I said.

12 Q. That's Julian Brew, correct?

13 A. Yeah.

14 Q. A lawyer named Theodore Maya has also worked
15 for the Arvizos in the year 2005 in this case, true?

16 A. True.

17 Q. A lawyer named Robert Turner has also worked
18 for the Arvizos --

19 A. Yes.

20 Q. -- in this case, correct?

21 A. Correct.

22 Q. Those are four lawyers with your 600-plus
23 law firm, true?

24 A. True.

25 THE COURT: All right. It's break time.

26 (Recess taken.)

27 THE COURT: All right. Go ahead.

www.mjfacts.info

28 MR. MESEREAU: Thank you, Your Honor. 4541

www.mjfacts.info

1 Q. Mr. Feldman, you've testified that you had
2 filed, as a lawyer for the Arvizos, a Notice of
3 Claim against Los Angeles County, correct?

4 A. Correct.

5 Q. And the purpose of filing that notice of
6 claim was to preserve the right to sue in the future
7 if you desire to, correct?

8 A. Correct.

9 Q. And you told the jury that at this point, in
10 your opinion, Gavin Arvizo and Star Arvizo still
11 have time to file a lawsuit against Los Angeles
12 County, correct?

13 A. I believe that's right.

14 Q. The lawsuit you're referring to, if it ever
15 occurred, would be separate and apart, or could be
16 separate and apart from any lawsuit against Mr.
17 Jackson in the future, true?

18 A. I think it would have to be separate and
19 apart. I don't think you could join the two. But
20 it would be -- I think the simple question is -- the
21 simple answer is yes.

22 Q. And as we speak, then, those two young men
23 still have a right to sue Mr. Jackson, and they
24 still have a right to sue Los Angeles County in a
25 separate action, true?

26 A. True.

27 Q. And by filing your Notice of Claim, you

28 preserved that right for them, true? 4542

www.mjfacts.info

1 A. That's what I did. Against the county.

2 Q. Against the County of Los Angeles?

3 A. Yeah. It had nothing to do with Mr.

4 Jackson.

5 Q. Okay. Now, you've indicated you know --

6 excuse me, let me rephrase that.

7 How long have you known Attorney William

8 Dickerman?

9 A. Well, certainly since 2003. He tells me

10 that he brought a case to me that I rejected, and I

11 can't tell you when that happened. I sort of

12 vaguely remember it happening, but I can't place it.

13 I never met him till he walked into my office. I

14 think that's the first time I ever saw him.

15 Q. Did you testify this morning that you have

16 or had a referral arrangement with him with respect

17 to the Arvizos?

18 A. You know, loosely. I think there was an

19 agreement with the Arvizos that he was a party to.

20 You need the consent -- under the State Bar rules,

21 you have to have a client's consent to have -- and

22 he was in that agreement, and exactly what we said

23 about him I don't know. But I know he expected, if

24 there was money, to get money for -- from me, from

25 her, I don't know where. I can't remember the

26 details of it, but --

27 Q. Do you recall him having what is called a

28 joint legal services agreement with you? 4543

www.mjfacts.info

1 A. Vis-a-vis the Arvizos?

2 Q. Yes.

3 A. He could have. I mean, I don't know what he
4 had. He had -- he wanted to be involved if I was
5 going to bring a case. And how those financial
6 terms were worked out with him, I don't know. And
7 what -- he was -- he wanted to be involved with the
8 family, because he said he had this great
9 relationship with the family, so I was there to do
10 the legal work, and it never went anyplace.

11 Q. He also wanted money, true?

12 A. He wanted money, I'm sure of that. I'm sure
13 of that.

14 Q. You had a lot of communications with him
15 after he referred the Arvizos to you, true?

16 A. Well, we certainly had some. I don't know
17 about "a lot." I certainly had some with him.

18 Q. There were faxes and letters going back and
19 forth from his office to you for many months after
20 he referred the Arvizos to you, right?

21 A. Could be. We certainly were trying to get
22 his file and what he had in his file from the time
23 he had the case till the time we were done with it
24 initially.

25 Q. And just to clarify what you just said, are
26 you saying you're not sure if Attorney William
27 Dickerman had a legal services agreement with you?

28 A. What do you mean by "a legal services 4544

www.mjfacts.info

1 agreement"?

2 Q. Well, let me get --

3 A. That I pay him to do legal services for me?

4 Q. He does legal work with you for the Arvizos.

5 A. I don't know -- is there something I'm

6 missing about what I'm saying and you're asking?

7 Q. I don't think so.

8 A. I thought he wanted to get paid for the work

9 he thought I would let him do in the Arvizo case.

10 If I took the Arvizo case - I don't want to break

11 his heart - he wasn't going to do very much work if

12 I was the lawyer on the case, but he wanted to get

13 paid. That's the point. And how we memorialized

14 that, I don't remember. It was in the agreement,

15 and she consented to however we memorialized what he

16 would get if there was money to be had.

17 Q. But Prosecutor Sneddon asked you questions

18 about a referral agreement between lawyers, correct?

19 A. He asked me questions about a referral fee,

20 yes.

21 Q. And what you're describing now is not a

22 simple referral fee arrangement, true?

23 A. Well, I'm describing -- I don't remember the

24 way this worked. If you showed it to me, I could.

25 But I don't think it mattered. I was going to be

26 the lead lawyer, and he was -- I guess if we gave

27 him a task to do, he would do it.

28 Q. And just to clarify things, that's something 4545

www.mjfacts.info

1 different from a strict referral fee arrangement,
2 true?

3 A. It can or cannot be, frankly. You can do it
4 both ways. I mean, I don't think the form it
5 takes -- I think what's important is that the two
6 lawyers have to decide how they are going to divide
7 fees, and on what basis, and that the -- the most
8 important thing is the client consents to whatever
9 the arrangement is.

10 Q. And your typical referral fee arrangement
11 involves one lawyer referring a case to another
12 lawyer, and if the lawyer who gets the case makes
13 any money on it, that lawyer gives a percentage to
14 the lawyer that referred the case to him or her,
15 correct?

16 A. That certainly happens frequently.

17 Q. That's your typical referral arrangement,
18 isn't it?

19 A. That was at one time my typical -- are you
20 asking me now personally, or just in general?

21 Q. Just generally speaking.

22 A. Generally, I think that is the way lawyers
23 get a case. They send it to somebody else and they
24 get a referral fee, and they don't have to do any
25 work.

26 Q. Now, in Los Angeles County, you're known as
27 one of the most successful plaintiffs' lawyers,

28 correct? 4546

www.mjfacts.info

1 A. Say it again for the press. I want to --
2 that's the nicest thing anybody's said about me in
3 this case.

4 Q. Is that true?

5 A. I think so.

6 Q. You've had numerous multi-million-dollar
7 awards that you have obtained for your clients,
8 correct?

9 A. I have.

10 Q. You have numerous multi-million-dollar
11 settlements you've obtained for your clients,
12 correct?

13 A. I have.

14 Q. And in most of those situations, you had
15 what is called a contingency fee arrangement,
16 correct?

17 A. Oh, I'm sure. Yeah. Over the life of my
18 legal career, that's absolutely right.

19 Q. And generally speaking, in a contingency fee
20 arrangement, the plaintiffs' lawyer in these cases,
21 namely you, get a percentage of whatever is
22 recovered for the client, true?

23 A. Yes.

24 Q. And in a strict contingency fee arrangement,
25 if the lawyer doesn't obtain any money for the
26 client, the lawyer might not get paid anything,
27 correct?

www.mjfacts.info

28 A. Correct. 4547

www.mjfacts.info

1 Q. So there's an incentive for that lawyer to
2 get as big a recovery as possible, because the
3 bigger the recovery for the client, the bigger the
4 fee for the lawyer, correct?

5 A. That's the theory.

6 Q. And you have a fairly standard contingency
7 fee arrangement that you've used through the years,
8 correct?

9 A. I -- I have.

10 Q. In the Chandler case, the parents, who
11 you've described as divorced, both signed your fee
12 agreement, true?

13 A. They did. Well, I mean, you're saying that.

14 I -- it looks like you're looking at something. If
15 you tell me -- I hope they did. I don't remember.

16 Q. Would it refresh your --

17 A. But it would have been smart on my part to
18 get both of them to sign it.

19 Q. Would it refresh your recollection if you
20 looked at your fee agreement?

21 A. Sure.

22 MR. MESEREAU: May I approach, Your Honor?

23 THE COURT: Yes.

24 THE WITNESS: Is that all of it?

25 MR. MESEREAU: (Nods head up and down.)

26 Q. Mr. Feldman, have you had a chance to look
27 at that fee agreement?

28 A. I have. 4548

www.mjfacts.info

1 Q. Is it true that June Chandler and Evan
2 Chandler signed that agreement?

3 A. They did.

4 Q. They retained your services, correct?

5 A. They did on behalf of their son. I --

6 Q. Now, to your knowledge, the father had been
7 divorced from the mother since 1986, correct?

8 A. I don't know the date, but they were -- the
9 parents were divorced. The father was remarried.

10 Q. The mother remarried also, true?

11 A. Yeah, I think that is right. Except I think
12 they were separated at the time. The mother was
13 separated from her husband. She could have been
14 divorced, but she did -- I think she remarried.

15 Q. Now, the father had not only been divorced
16 for a number of years from the mother, he had given
17 up all custody to the mother at that time, true?

18 MR. SNEDDON: I'm going to object as
19 irrelevant.

20 MR. MESEREAU: I believe the prosecutor
21 raised these issues, Your Honor.

22 THE COURT: What's the relevancy?

23 MR. MESEREAU: Who he's really representing,
24 and what their influence is on the litigation, what
25 their influence is on the settlement and what their
26 motives are, and what example it sets to everyone
27 else.

28 THE COURT: All right. The objection is 4549

www.mjfacts.info

1 sustained.

2 Q. BY MR. MESEREAU: You represented both
3 parents on behalf of the minor, Mr. Chandler,
4 correct?

5 A. My memory is both parents were the guardian
6 ad litem for the minor. I don't remember if --
7 representing the parents separately and apart in a
8 separate lawsuit against anybody. I -- I think we
9 only had them as guardian ad litem because the
10 young minor can't bring a lawsuit. It has to be
11 done through someone. And originally it was done
12 through the parents and then ultimately through a
13 judge, retired judge became the guardian.

14 Q. And you had in that particular case ethical
15 obligations to both the parents and the minor in
16 your representation, true?

17 A. I suspect at some level there was -- I
18 certainly had an attorney-client privilege with
19 them.

20 Q. Well, without going into the amount of any
21 settlement, isn't it true that both parents wanted
22 money for themselves as well?

23 A. They didn't want it. The defense wanted
24 them to have it, and they accepted it, because the
25 defendant -- that was the defendant's idea.

26 Q. Did the parents -- without going into the
27 amounts --

www.mjfacts.info

1 Q. -- did the parents for Mr. Chandler accept
2 money in the settlement?

3 A. They did accept money. That's a fair
4 statement.

5 Q. Okay. That would include a father who
6 didn't even have the legal right to see the child,
7 right?

8 A. I'm not sure that's right, you know, because
9 he had the child. At that time that I came in the
10 case, the child was living with the father, so you
11 may be right in some -- there may be an order out
12 there, but at the time I came in the case, the
13 father -- the boy lived with his dad and his dad's
14 wife, as I recall.

15 Q. Okay. Now, at some point -- excuse me, let
16 me rephrase that. The mother's name is June
17 Chandler, correct?

18 A. Correct. Or at least it was.

19 Q. Okay. To your knowledge, has it changed?

20 A. No. But I don't know.

21 Q. Okay. At some point she married someone
22 named David Schwartz, correct?

23 A. Sometime she married David Schwartz.

24 Q. When you were representing June Chandler,
25 she was either married to or living with David
26 Schwartz, true?

27 A. I'm not sure, you know, what the situation

28 was. I don't think -- their relationship was 4551

www.mjfacts.info

1 strained, I can tell you that --

2 Q. Okay.

3 A. -- at that point in time. I have a
4 recollection he wasn't living in the house at the
5 time I met her, but there was still a relationship,
6 because I can picture him in my office with her,
7 with Evan Chandler, and with Evan Chandler's wife,
8 and Jordie.

9 Q. Now, at some point when it became clear that
10 you were seeking money from Mr. Jackson, David
11 Schwartz then filed his own suit against Mr.
12 Jackson, right?

13 A. I think that's right. I think he did. I
14 don't know when that happened, but now that you
15 mentioned -- not by me. I wasn't -- somebody else.

16 Q. And you were in communication with that
17 attorney representing David Schwartz, correct?

18 A. Who was the lawyer? I don't remember. Who
19 was the lawyer in that --

20 Q. I'm questioning you. So I'm just asking
21 you.

22 A. Oh, you don't want to answer my questions.
23 It's not so much fun. Okay.

24 Q. Do you recall that June Chandler's
25 ex-husband then tried to sue Michael Jackson as
26 well?

27 A. I wouldn't have remembered it, but now that

28 you've said it, I kind of remember that he did. 4552

www.mjfacts.info

1 And I almost remember the name of the lawyer who had
2 it, because he was a guy I used to litigate against.
3 But I may be wrong.

4 Q. In response to Prosecutor Sneddon's
5 questions, you indicated that the case was referred
6 to you by a lawyer for the Chandler family, correct?

7 MR. SNEDDON: I'm going to object, Your
8 Honor.

9 THE WITNESS: No.

10 MR. SNEDDON: It's vague as to what case.

11 MR. MESEREAU: Let me rephrase it. If it's
12 vague, I'll rephrase.

13 THE COURT: All right.

14 Q. BY MR. MESEREAU: Regarding your
15 representation of Mr. Chandler, Mrs. Chandler, and
16 their son, did you say, in response to the
17 prosecutor's questions, that that case was referred
18 to you by another lawyer for the family?

19 A. What I want to correct is, if you take the
20 "family" part out of it, I can answer it. Yes, it
21 was referred to me by a lawyer, but that lawyer who
22 referred it to me wasn't representing the family,
23 per se.

24 Q. Was representing the father?

25 A. He was representing the father.

26 Q. His name was Barry Rothman, correct?

27 A. No, no, no, no. No.

28 Q. Who referred the case to you? 4553

www.mjfacts.info

1 A. The guy that referred to me was a criminal
2 defense lawyer, who was Bob Shapiro, who was
3 defending the father where these -- long before I
4 ever got in the case, there was these charges of
5 extortion going back and forth between the father
6 and the Jackson camp, and it was long before I got
7 in the case.

8 In that case there was a criminal defense
9 lawyer representing the father, and that criminal
10 defense lawyer brought the family to me. But he was
11 only representing the father, and he was only
12 representing him criminally.

13 Q. Okay. Now, and Robert Shapiro, of course,
14 is the Robert Shapiro who defended O.J. Simpson,
15 correct?

16 A. That's correct.

17 Q. He was defending the father against claims
18 that the father had tried to extort money from Mr.
19 Jackson, correct?

20 A. Time out. I think that's wrong. Let me go
21 back. He may have been the lawyer not for the
22 father, but for -- now I got -- I think he
23 represented Rothman, the lawyer, the lawyer who was
24 in the case before I ever got in the case. I think
25 he, too, was accused of extortion by someone on the
26 Jackson side.

27 Q. Okay.

28 A. And I think he -- one of them -- and I think 4554

www.mjfacts.info

1 Richard Hirsch, who was also a criminal defense
2 lawyer, represented the father, or -- that's what I
3 think really happened. But somehow Shapiro and
4 Richard Hirsch, who are two criminal defense
5 lawyers, advised the family that they had the wrong
6 civil lawyer and they should come see me. And
7 that's basically how I got there.

8 Q. They advised the family that Gloria Allred
9 was the wrong lawyer and they should come to you,
10 correct?

11 A. That's what I understand.

12 Q. Okay. Now, there was a lawyer named Barry
13 Rothman involved, correct?

14 A. Before Gloria Allred.

15 Q. And Barry Rothman represented the father,
16 true?

17 A. Well, that's a good question, who he
18 represented. I thought he -- he represented
19 probably the father and Jordie, I suspect. I mean,
20 it's unclear to me, that whole deal.

21 Q. And Rothman is a lawyer that was accused of
22 extortion by people associated with Mr. Jackson as
23 well, correct?

24 A. I think both Rothman and Jackson -- I mean,
25 "Rothman and Jackson," I'm sorry.

26 Rothman and Evan Chandler were accused of
27 extortion by the Jackson side. I don't know who on

28 the Jackson side. 4555

www.mjfacts.info

1 Q. And Attorney Barry Rothman has since been
2 disbarred, correct?

3 A. I don't know. Has he?

4 Q. Yes.

5 A. I didn't know him before, I don't know him
6 now. And if he is, he is. I don't know.

7 Q. So you don't know him at all?

8 A. I don't know Barry Rothman.

9 Q. You had various meetings with him during
10 this litigation, did you not?

11 A. No.

12 MR. SNEDDON: I'm going to object as
13 immaterial and irrelevant.

14 THE COURT: Sustained.

15 THE WITNESS: No, I -- well, it -- oh, it
16 was sustained, so....

17 Q. BY MR. MESEREAU: You typically enter into a
18 contingency fee agreement at the beginning of your
19 relationship with the client, correct?

20 A. At the early stages, yes.

21 Q. And the obvious purpose of that is, before
22 you want to do any work, you want to make sure
23 you're going to get paid if certain things happen,
24 correct?

25 A. Yes.

26 Q. And before I go any further, you talked
27 about people you have represented in your practice.

28 You've also represented oil companies in recent 4556

www.mjfacts.info

1 years, correct?

2 A. Yes.

3 Q. You've defended oil companies accused by the

4 State of California of overcharging consumers,

5 correct?

6 A. Yes.

7 Q. And you've represented them quite

8 successfully, haven't you?

9 A. Well, that was one I represented, and it was

10 a very successful --

11 Q. It was a long trial, true?

12 A. It was a long trial.

13 Q. Okay.

14 A. First time and only time in my life that I

15 ever did anything like that.

16 Q. Okay. And what year was that?

17 A. Let's see. I defended them -- is this

18 important? I mean, I can't remember. Let's see, I

19 have enough trouble remembering who I'm representing

20 today.

21 Let's see, I represented them, I want to say

22 late -- let's see. Somewhere around late '90s,

23 2000. I mean, it could have been -- it's one way or

24 the other. I can't -- I was called in just to try

25 the lawsuit. And the case had been going on for

26 like 20 years, believe it or not, and -- and so I

27 just -- I can't give it -- if it's important, I

28 could figure it out, but it's somewhere then. 4557

www.mjfacts.info

1 Q. Somewhere where?

2 A. Somewhere 1999, 2000, 2001. 1998. It --

3 you know, a few years ago this happened.

4 Q. Now, in the 1993 case, you retained Stanley

5 Katz, correct?

6 A. Yes.

7 Q. When had you first met Stanley Katz?

8 A. 1987.

9 Q. And that was in relation to a civil lawsuit?

10 A. No. I represented -- in fact, my wife

11 really represented -- and she wasn't my wife then.

12 But I got called in to represent the -- a former

13 grandson of the President of the United States who

14 was being accused of physical abuse, him and his

15 wife. And I knew nothing about that kind of a

16 field, never done anything like that, but

17 ultimately, I did it.

18 And Stanley Katz, who I never knew of or

19 heard of, was an expert on the case. And if you ask

20 me what -- I don't even remember what he testified

21 to, but he did testify. And it was a case downtown

22 in the criminal courts building.

23 Q. So this was a case where two adults were

24 accused of abusing a child?

25 A. Yeah, by the Department of Children

26 Services.

27 Q. And you and -- excuse me. You defended

www.mjfacts.info

1 A. I defended --

2 Q. -- the parents, true?

3 A. The parents, yes.

4 Q. And you did it successfully, correct?

5 A. I did it successfully.

6 Q. Stanley Katz was an expert for you --

7 A. He was.

8 Q. -- right? So Stanley Katz knew that in this

9 particular case, adults were falsely charged with

10 sexual assault, correct?

11 A. No. Well, charged by the government, not by

12 the kid. The kids -- there was a baby, it was

13 one-year-old. He wasn't accusing anybody of doing

14 anything. This was the county. The kid was abused,

15 there was no issue, Mr. Mesereau. The child was

16 abused. The question is, did the maid abuse the

17 child or did these parents abuse the child? And in

18 my view and in the Court's view, the maid did it,

19 and we proved it.

20 Q. But just to get it in the record --

21 A. Yeah.

22 Q. -- you, with the assistance of Stanley Katz,

23 defended two adults against false claims of abuse,

24 correct?

25 A. By the government, yes.

26 Q. Okay.

27 A. And I do remember what he sort of testified

28 to, if it's important to you. 4559

www.mjfacts.info

1 Q. When were these false claims by the
2 government initially filed; do you know?

3 A. Yeah. I assume it's 1987, because that's
4 when I did it.

5 Q. How long were you involved in that case with
6 Stanley Katz?

7 A. Well, Stanley Katz testified. He was on the
8 stand and got off the stand. But, I mean, the case
9 was ongoing. And I think we tried it -- took like
10 five days or so to try it, six days. And that was
11 it.

12 Q. And was that tried in front of a judge or a
13 jury?

14 A. Judge.

15 Q. Was that in the administrative courts or the
16 criminal courts?

17 A. It was in the criminal court building. A
18 regular judge.

19 Q. Was it a criminal case where a jury was
20 waived?

21 A. No, it was a dependency case. They were
22 trying to take the children -- the child away from
23 these parents who had adopted this child.

24 Q. And it was just solely a judge who decided
25 the government's claims of abuse were false against
26 your clients, right?

27 A. That's correct.

28 Q. All right. Now, at some point you call 4560

www.mjfacts.info

1 Lieutenant Klapakis in this case, correct?

2 A. I called him or he called me.

3 Q. Okay. Do you know about when that was?

4 A. Yeah. About. I mean, it was in -- I'm
5 going to say around June of '03. I think he must
6 have called me. I don't think I would have called
7 him. I never heard of him.

8 Q. It was approximately June 13th, 2003,
9 correct?

10 A. I wouldn't disagree with that. I don't have
11 an independent recollection of the day, but I
12 wouldn't disagree about the time frame.

13 Q. Would it refresh your recollection if I just
14 show you a police report?

15 A. If you tell me -- unless that day is
16 critical to you, I'll look at it. I don't know, is
17 it a police report of what he says about me?

18 Q. Yes.

19 A. I don't know. It's up to you. It's your
20 show. I don't remember the precise day. I'd accept
21 it's about that time. If you told me it was the
22 14th, I'd believe you. And if you told me it was
23 the 12th, I'd believe you.

24 Q. Would it refresh your recollection if I --

25 A. You got to show me. I know that trick.
26 Show me the document and I'll tell you if it
27 refreshes my recollection. How do I know unless you

28 show it? 4561

www.mjfacts.info

1 It doesn't refresh my memory.

2 Q. Have you had a chance to look at the report?

3 A. I have.

4 Q. Does it refresh your recollection about the
5 day that you spoke to Lieutenant Klapakis?

6 A. I know I spoke to him. It doesn't refresh
7 my recollection about the date. But as I said, I
8 can't argue with that date.

9 Q. Had you spoken with Lieutenant Klapakis
10 before that date, to your knowledge?

11 A. You know, not by name. I mean, I don't know
12 the person, to my knowledge. But I wouldn't know
13 him if he's in this courtroom.

14 Q. Have you met with anyone representing the
15 government to discuss your testimony in this case?

16 A. In a loose way. When you say -- I mean, the
17 government interviewed me about my testimony.

18 Q. When did anyone with the government last
19 interview you about your testimony?

20 A. I guess yesterday.

21 Q. And who was in the meeting?

22 A. Mr. Sneddon.

23 Q. Anyone else?

24 A. No.

25 Q. How long was the meeting?

26 A. Besides locking myself up in his office and
27 having to set the alarm because I couldn't get out

28 because it was after hours. If you don't count that 4562

www.mjfacts.info

1 time, it was probably an hour and a half, maybe two
2 hours, somewhere in that range.

3 Q. Was Mr. Sneddon alone?

4 A. Yeah, I thought I said that.

5 Q. There was no sheriff present?

6 A. No.

7 Q. No other prosecutor present?

8 A. No.

9 Q. Okay. So you and Mr. Sneddon, for an hour
10 and a half yesterday, discussed your testimony,
11 right?

12 A. Yes.

13 Q. Were you shown any documents by Mr. Sneddon
14 to help you prepare for your testimony?

15 A. No.

16 Q. At any time did any representative of the
17 government send you documents to review to prepare
18 you for your testimony?

19 A. They -- take out the prepare me for my --
20 they did send me my grand jury transcript.

21 Q. And did you review that?

22 A. Yes.

23 Q. Okay. When did you review it?

24 A. Within the last week or ten days. Two
25 weeks. Something like that. I mean, at some point
26 when I got it, I read it.

27 Q. When did you last talk to Stanley Katz?

28 A. He called me when he left here from 4563

www.mjfacts.info

1 testifying on the way home.

2 Q. Did you talk to him before that?

3 A. He called me while he was waiting up --

4 well, I don't know where he was waiting, but he was

5 waiting to testify, and he called me. Or I think he

6 called me. He called me -- Dickerman called me and

7 he had a cell phone. They were both in some room

8 together. And I said, "Is Katz with you?" And he

9 said, "Yes." And he had previously called me, and

10 so I returned his call after I got done talking to

11 Dickerman.

12 Q. Let me just get this straight. You talked

13 to Mr. Katz?

14 A. Doctor. Doctor.

15 Q. You talked to Dr. Katz after he testified

16 here, right?

17 A. After he testified, he called me on the way

18 back to L.A.

19 Q. You talked to him as he was waiting to

20 testify, correct?

21 A. I talked to him while he was waiting to

22 testify.

23 Q. You talked to Mr. Dickerman as he was

24 waiting to testify, correct?

25 A. I talked to Mr. Dickerman while he was

26 waiting to testify.

27 Q. Did you talk to Mr. Katz before he came here

www.mjfacts.info

28 to testify? 4564

www.mjfacts.info

1 A. Yes.

2 Q. When was that?

3 A. I can't tell you the day. I can tell you
4 that he called me and wanted to come to my office
5 and meet with me.

6 Q. Did you --

7 A. I can't remember when it was. It was
8 sometime during the -- this trial. I can't picture
9 exactly when it was.

10 Q. Did you talk to Mr. Dickerman before he came
11 here to testify?

12 A. No, I don't think so. You don't mean ever.

13 You mean -- I mean, I talked to Dickerman a lot at
14 one point, and then we really haven't had contact.
15 And then we had contact that day, the day while he
16 was here, and that's about it, that I remember. I
17 mean, I can't swear we didn't have a minute
18 conversation at some point.

19 Q. So Stanley Katz wanted to come to your
20 office to talk about this case?

21 A. Yes.

22 Q. And approximately when did he make that
23 request?

24 A. Within the last couple of weeks. Maybe a
25 month. It's between two weeks and a month.

26 Q. To your knowledge, has Stanley Katz ever met
27 with Bill Dickerman, other than the fact they were

28 in the same room waiting to testify and both spoke 4565

www.mjfacts.info

1 to you on the phone at essentially the same time?

2 A. Well, Katz came to see me to tell me that

3 he --

4 Q. I'm not asking you what he said. Just --

5 A. No, let me just -- let me think to myself.

6 When he came to visit me after the first

7 meeting he had with the family -- I think he had two

8 meetings with the family, but I won't even swear to

9 that. But I think he did. But -- and maybe he had

10 more. But in between one of these meetings that he

11 had with the family where he was interviewing, he

12 came to see me, Dr. Katz, and it is possible that

13 Dickerman was in that meeting. It is possible he

14 wasn't in that meeting. I don't know. And that

15 would be the only time that I can think of that they

16 possibly could have been together.

17 Q. When did that meeting occur?

18 A. Do you mean the day?

19 Q. Not the specific day. Just roughly.

20 A. That meeting happened -- if I knew the day I

21 went to the Department of Children Services, which

22 has got to be -- if you tell me that this lieutenant

23 called me on the 13th, I would guess I went to

24 Children Services around the 12th of June. 11th,

25 12th of June. So that would mean that that meeting

26 happened before then, and after, say, June 1st.

27 So, in that time frame.

28 Q. Is it your understanding that other than 4566

www.mjfacts.info

1 interviewing members of the Arvizo family, Dr. Katz
2 did not pursue any other independent investigation?

3 A. That's all -- that's all I know he did.

4 Q. Okay. To your knowledge, are you related to
5 anyone who has referred patients to Dr. Katz?

6 A. Not that I know of.

7 Q. Okay. You don't know of any --

8 A. That referred patients to Dr. Katz?

9 Q. Anyone who you are related to by marriage
10 that referred patients to Dr. Katz.

11 A. Oh, my wife. I'm married to my wife, and I
12 think she used Dr. Katz. She headed up a law firm
13 that defended children, and represented tens of
14 thousands of children, and I think they, from time
15 to time, might have used Dr. Katz. I don't know if
16 she did or didn't. I mean, she certainly --

17 Q. But you think she did?

18 A. Yeah. I mean, I know at times in her life
19 she did. She's the one that introduced me to Dr.
20 Katz in 1987, so she was a fan of Dr. Katz.

21 Q. And it was your understanding they had some
22 kind of business relationship, but you don't know
23 what it is, right?

24 A. My wife and Dr. Katz? Well, they didn't
25 have a business relationship. She would refer
26 clients. She defended people accused of abuse. She
27 represented children against their parents when

28 parents were abusing them. And she headed up a 4567

www.mjfacts.info

1 public interest law firm, and she would use Dr.

2 Katz, and --

3 Q. Okay.

4 A. -- hopefully it was totally business.

5 (Laughter.)

6 Q. Did you ever learn that Dr. Katz was

7 secretly recorded by the Santa Barbara Sheriff's

8 Department in a phone conversation?

9 A. Yes.

10 Q. How did you learn about that?

11 A. He told me.

12 Q. Did he tell you that on a number of

13 occasions he referred to "the lawsuit" in discussing

14 the Arvizos?

15 MR. SNEDDON: This is hearsay, Your Honor.

16 THE COURT: Overruled.

17 You may answer.

18 THE WITNESS: Did he --

19 THE COURT: Do you want the question read

20 back?

21 THE WITNESS: I just got to ask him, did he

22 tell me what about that?

23 Q. BY MR. MESEREAU: That in that secretly

24 recorded conversation with a sheriff's

25 representative, he, on a number of occasions in

26 discussing the Arvizos, referred to "the lawsuit"?

27 A. Did he tell the sheriff that, or did he tell

28 the Arvizos that? 4568

www.mjfacts.info

1 Q. The sheriffs that.

2 A. Oh. I don't know.

3 Q. You don't know about that?

4 A. I don't know one way or the other about
5 that.

6 Q. But he told you he was secretly recorded,
7 right?

8 A. He told me that he was secretly recorded by
9 the sheriffs, yes.

10 Q. All right. To your knowledge, have you ever
11 been secretly recorded in this case?

12 A. I hope not.

13 THE COURT: You need to speak closer to the
14 microphone.

15 THE WITNESS: I hope not. I don't know of
16 any recordings, no.

17 Q. BY MR. MESEREAU: Do you have any knowledge,
18 other than what Mr. Katz told you, about the
19 sheriffs secretly recording people in phone
20 conversations in this investigation?

21 A. No, I really don't. I just know he said he
22 was recorded. I know it was secret. He didn't know
23 about it, so I guess it was a secret from him.

24 Q. How long, in your mind, did you represent
25 the Arvizos?

26 A. Boy, that's the toughest question you've
27 asked. I can tell you I represented them from May

28 to the time I referred it to the police, or referred 4569

www.mjfacts.info

1 it to Mr. Sneddon and the police took over. And I
2 had no contact, the best that I can recall, with the
3 Arvizos, and that ultimately culminated in a letter
4 from me to them terminating my relationship with
5 them. I didn't want any responsibility. I
6 didn't -- and I didn't talk to them again until
7 after the news hit of the search of Neverland and
8 the pending arrest of Mr. Jackson. And it was
9 sometime after that that I heard from them again.

10 But up -- so from my perspective, I
11 terminated our relationship legally, as a lawyer
12 should do, in writing, telling them they could do
13 what they want, "But don't look to me to represent
14 you."

15 Q. And if you chose to in the future, Mr.
16 Feldman, nothing would prevent you from representing
17 them again, correct?

18 A. If I wanted to?

19 Q. Yes.

20 A. If I wanted to, nothing.

21 Q. Now, have you represented Mr. Jay Jackson in
22 your legal work?

23 A. Well, only to the extent as I -- he has
24 talked to me about issues of you guys trying to get
25 into --

26 Q. Objection.

27 I'm not asking you what he's talked to you

28 about. I'm just asking, have you represented Jay 4570

www.mjfacts.info

1 Jackson as a lawyer?

2 A. Well, when you say "represented," he has
3 called me in my capacity as a lawyer, and I have
4 given him advice as a lawyer.

5 Q. And approximately when did you give Jay
6 Jackson advice as a lawyer?

7 A. Well, I don't know. Let's see. After they
8 got married, which I don't remember when, but it was
9 after they got married. And it was -- you would
10 know better. It was in connection with a search
11 warrant. Or, not a search warrant. A subpoena you
12 served on his military records, and that's the only
13 time that I think I can remember talking to him.

14 Q. Well, you certainly were advising him as a
15 lawyer as of approximately November 15th, 2004,
16 correct?

17 A. I don't know the date. I just --

18 Q. Well, your firm, in a legal proceeding in
19 this case, took the position that a fax from Jay
20 Jackson to you dated November 15th, 2004, was
21 confidential, right?

22 A. If Jay Jackson communicates with me, it's in
23 the attorney-client. That's what I said. And
24 everything he told me is privileged, just like any
25 other lawyer.

26 Q. Do you know whether or not your law firm has
27 taken a position in this case that a fax from Jay

28 Jackson to you of November 15th, 2004, is 4571

www.mjfacts.info

1 confidential and privileged?

2 A. Well, I hope so, since it is.

3 MR. SNEDDON: Your Honor, I'm going to

4 object.

5 THE COURT: Sustained. You're not allowed to

6 go into attorney-client privilege without my

7 permission.

8 MR. MESEREAU: I'm not going into it, Your

9 Honor. Just their position.

10 THE COURT: Well, even claiming the privilege

11 is improper, to raise it in front of the jury.

12 We've gone over this before.

13 Q. BY MR. MESEREAU: You have represented the

14 parents of Janet Arvizo in this case, correct?

15 A. Her parents.

16 Q. Yes.

17 A. Yes.

18 Q. You represented them in an attempt to

19 prevent us from seeing if she deposited money into

20 her parents' account, true?

21 A. I prevented you from getting into their --

22 these parents' bank records.

23 Q. Correct.

24 A. That's right.

25 Q. And in doing that, sir, you tried to prevent

26 us from seeing, if Janet got checks or David Arvizo

27 got checks, whether they deposited them into her

www.mjfacts.info

28 parents' account? 4572

www.mjfacts.info

1 A. No, Mr. Mesereau, I prevented you from
2 dragging in these poor parents, who don't even speak
3 English, into this melee.

4 Q. Do you know --

5 A. That's all I tried to do. I don't know
6 anything about Janet doing anything. I'm only
7 telling you -- you asked me what I did. That's what
8 I tried to do is prevent them from getting dragged
9 in. If you look at your subpoena, it's pretty
10 broad.

11 Q. Sir, you can't prevent the parents from
12 being subpoenaed as witnesses in this case, can you?

13 A. No.

14 Q. And you haven't even tried to do that.

15 A. And I wouldn't.

16 Q. The only thing you tried to do was stop us
17 from seeing whether Janet put money into her
18 parents' account?

19 MR. SNEDDON: I object as argumentative.

20 THE WITNESS: That's not true.

21 THE COURT: Just a minute.

22 There's a lot of law and motion in this case
23 that took place outside the presence of the jury,
24 and there's various legal reasons why things were
25 done, and I did them. And it's improper for you to
26 be attacking a witness on that issue.

27 MR. MESEREAU: Yes, Your Honor. I will -- I

www.mjfacts.info

28 withdraw the question. 4573

www.mjfacts.info

1 May I just ask about the scope of his
2 representation, just when he did it, when he
3 represented the parents? Not scope, Your Honor.
4 The dates of it.

5 THE COURT: I'm not sure if that's a
6 privileged matter or not. That's why I'm concerned.

7 MR. MESEREAU: It would have to do with
8 statements he's made before, Your Honor, about
9 representing the Arvizos. I'm just trying to find
10 out roughly when he represented the parents.

11 THE COURT: No. I don't see any relevancy.

12 MR. MESEREAU: Okay. Your Honor, may I ask
13 if he still does?

14 THE COURT: No. I don't see any relevance
15 to --

16 MR. MESEREAU: Okay.

17 THE COURT: -- to people he represents, when
18 he represented them. If I'm missing something, you
19 can approach the bench. I'm, you know, trying to
20 see from this standpoint what the relevancy could
21 be, but I can't see it.

22 MR. MESEREAU: May I approach, Your Honor?

23 THE COURT: (To the jury) Okay. You can
24 talk.

25 (Discussion held off the record at sidebar.)

26 THE COURT: All right. After reviewing with
27 Mr. Mesereau his reason, I'm going to allow a

28 question that I didn't a moment ago. 4574

www.mjfacts.info

1 You may ask it.

2 Q. BY MR. MESEREAU: Mr. Feldman, during what
3 approximate period of time did you represent the
4 parents of Janet Arvizo in this case?

5 A. I can't give you the date. The event was
6 when they were served with a subpoena, their bank
7 got served with a subpoena to get all of their
8 checks and all of their financial records. And
9 whenever you served that subpoena, that is when I
10 represented them.

11 Q. Do you currently, as far as you're
12 concerned, represent either of the parents of Janet
13 Arvizo?

14 A. I do not represent either of the parents of
15 Janet Arvizo, as far as I'm concerned.

16 Q. Would it refresh your recollection if I just
17 show you a pleading just so you can identify a time
18 that you were representing the parents?

19 A. Sure. Yeah.

20 MR. MESEREAU: Would that be all right, Your
21 Honor?

22 THE COURT: Yes.

23 MR. MESEREAU: May I approach?

24 THE COURT: Yes.

25 MR. MESEREAU: Thank you.

26 Q. Mr. Feldman, have you had a chance to review
27 that document?

28 A. Yes. Yes. 4575

www.mjfacts.info

1 Q. And does it refresh your recollection about
2 the period of time during which you represented
3 David and Maria Ventura, the parents of Janet?

4 A. Approximately.

5 Q. And approximately what was the period during
6 which you represented and your firm represented
7 David and Maria Ventura?

8 A. Approximately the end of December of 2004 to
9 January 2005. Three, four weeks.

10 Q. That would be till approximately what,
11 January 14th?

12 A. I thought that's the date of the hearing
13 that we had, yes.

14 Q. Okay. And after that hearing, did your
15 representation cease as far as you're concerned?

16 A. Yes. It was just for that limited purpose
17 on that subpoena.

18 Q. Okay. How many meetings do you think you've
19 had with Mr. Sneddon about this criminal case?

20 A. And I'm going to interpret "meetings" face
21 to face. Is that what we're talking about?

22 Q. Let's start with that.

23 A. I would say three, four, maybe five at the
24 most, including yesterday.

25 Q. And how many times do you think you've
26 spoken on the telephone with Prosecutor Sneddon
27 about this criminal case?

28 A. Well, I don't know. Maybe -- at least two 4576

www.mjfacts.info

1 or three times I've been scheduled to come, and he's
2 called me to tell me I'm not coming. So that's
3 three.

4 We haven't had a lot of phone calls. I
5 can't -- frankly, I called him when I called him to
6 say, "Here's the case. Do what you want with it."

7 And maybe -- I don't know. You know, five, six.
8 Something. Not a lot. I mean, I don't know,
9 something like that.

10 Q. How many times do you think you met with Mr.
11 Sneddon regarding your representation of Mr.
12 Chandler in 1993?

13 A. I don't know if I ever met with him in '93.
14 With Mr. Sneddon?

15 Q. Yes.

16 A. '93 I was on my own, without -- I was
17 handling --

18 Q. You certainly spoke to him.

19 A. I was handling the case. I'm sure I spoke
20 with him, but I don't think I ever met with him.
21 Maybe I did. I could have. I just can't remember,
22 Mr. Mesereau. It's so long ago. I mean, that's 12
23 years ago. I just don't -- I just don't have an
24 independent memory of whether I did or didn't.

25 Because the case was also in L.A., and, you know, I
26 was dealing with the L.A. lawyers, criminal lawyers.

27 Q. Would it be accurate to say that you at

28 least talked to Mr. Sneddon a number of times in 4577

www.mjfacts.info

1 1993 about your representation of Mr. Chandler?

2 A. You know, not Mr. -- "Mr. Chandler" now is
3 little Jordie, who's now a Mister, or is it his
4 father we're talking about? When you say "Mr.
5 Chandler," Jordie? Who are we talking about?

6 Q. Any of them.

7 A. You know, I don't think -- it could have
8 happened. I can't deny it. I just have no
9 recollection of it one way or the other. I don't
10 remember having many -- any real discussions with
11 Mr. Sneddon on the case.

12 Q. Do you remember meeting with any other
13 prosecutor besides Mr. Sneddon at any time regarding
14 this current case?

15 A. Yes.

16 Q. And who would that be?

17 A. Mr. Zonen.

18 Q. How many times do you think you've met with
19 Mr. Zonen about this case?

20 A. A couple maybe. Maybe. I don't remember.

21 You know, I can remember one. I've seen him,
22 though. I mean, this isn't just the second time
23 I've seen him, so it must have been more, but I
24 just -- nothing stands out in my mind about meeting
25 with him.

26 Q. Have you had phone conversations with
27 Prosecutor Zonen about this case?

28 A. Yes. 4578

www.mjfacts.info

1 Q. Approximately how many do you think?

2 A. A few.

3 Q. Have you had any other meetings with any
4 other prosecutor on this case besides Prosecutor
5 Sneddon and Prosecutor Zonen?

6 A. Some prosecutor that -- my records got
7 subpoenaed to the court, and somebody -- some
8 prosecutor, said he was a prosecutor, called me
9 about it, whether I had filed the documents or
10 didn't file the documents. I mean, I can remember
11 that kind of stuff.

12 Q. Have you had any meetings with
13 representatives of the sheriff's department
14 involving this case?

15 A. I'll answer that in a second. I just want
16 to go back to something that just --

17 Q. Sure.

18 A. There was a real issue in this case before
19 it ever got to trial. I didn't want to do anything,
20 and there was an issue -- so I do think I talked to
21 Mr. Zonen more about, "Why don't you do the
22 objecting and leave me out of this. My law firm
23 doesn't want to do this, I don't want to do this,"
24 and he couldn't represent the victims, so that's how
25 I -- so before I ever acted, I wanted the D.A. to do
26 all the legal work. Not me.

27 Q. I understand. And that saved you a lot of

28 money, correct? 4579

www.mjfacts.info

1 A. Pardon me?

2 Q. That could save you a lot of money in the
3 future?

4 A. It would save me lot of aggravation and
5 energy, I could tell you that. Not "in the future."
6 Period. I didn't want to do it. I'm not
7 representing these people, so -- but, you know, so I
8 would talk to Mr. Zonen. I want to just amend that,
9 because I would talk to him, and he would say he
10 can't do that, and I'd wind up either doing it or
11 not doing it. So there were those kind of
12 conversations.

13 Now, back to the sheriffs. Who did I talk
14 to? This lieutenant, I guess, called me. I talked
15 to him. When I went to the grand jury, there was
16 somebody who, you know, brought me up here on the
17 freeway and drove me up here to -- or I followed
18 through some parking lot to get to where the secret
19 grand jury was, so somebody talked to me while I was
20 sitting around waiting, those kind of things.

21 But no sheriff has ever interviewed me. No
22 police officer, to my knowledge, has ever come down
23 and interviewed me or anything.

24 Q. How many meetings with any representative of
25 the sheriff's department do you think you've had in
26 this case?

27 A. Meetings other than getting me here,

www.mjfacts.info

28 logistics kind of things? 4580

www.mjfacts.info

1 Q. Sure.

2 A. None, I don't think.

3 Q. You've never been interviewed by any

4 sheriffs in this case?

5 A. If I was, I don't remember it.

6 Q. How many phone conversations do you think

7 you've had with any sheriff in this case?

8 A. I mean, I don't know who are the sheriffs

9 and who are the police.

10 Q. How about the name "Klapakis"?

11 A. Well, he -- obviously you showed me

12 something that says he called me. But in deference

13 to the lieutenant, I wouldn't have remembered that.

14 But you did show me that, so he obviously called me.

15 But that's about it. I don't --

16 They -- the police cut me out of this case

17 the minute I gave it to them. They -- in fact,

18 that's why we severed our relationship. I severed

19 the relationship. I was out of this.

20 Q. Do you remember you were interviewed on

21 January 16th, 2004, on the NBC Today Show by Matt

22 Lauer?

23 A. I went on The Today Show and Matt Lauer

24 interviewed me.

25 Q. Do you remember that?

26 A. And if -- that's right before the gag order

27 was issued. I don't remember the date that the gag

28 order was issued, but it was right about that time. 4581

www.mjfacts.info

1 Q. Remember you were asked by Mr. Lauer if you
2 were going to join Mr. Sneddon on the prosecution
3 team, and you said, "I have no comment"?

4 A. I did. I did.

5 Q. Other than your grand jury transcripts, have
6 you reviewed any other documents to prepare for your
7 testimony today?

8 A. No.

9 Q. Now, you have represented Gavin Arvizo in
10 other proceedings in Los Angeles other than what you
11 have identified, correct?

12 A. I have?

13 Q. Yes.

14 A. Gavin Arvizo?

15 Q. Yes.

16 A. What is that? No.

17 Q. Have you ever represented Gavin Arvizo in an
18 attempt to stop his juvenile records from being
19 produced?

20 A. No. I mean, I wrote a letter, I think. No,
21 not on Gavin. Not that I know of. I didn't even
22 know he had a juvenile record.

23 Q. Well, my question is, have you or your firm
24 ever written to Judge Nash in Los Angeles?

25 A. Oh, that's a different story. That's not
26 his juvenile records.

27 Q. Why don't you explain.

28 A. That's his Department of Children's Services 4582

www.mjfacts.info

1 records. Yes. I wrote to Judge Nash, who heads up
2 that department, and said that those records should
3 remain confidential, because they are confidential
4 under the law. And that children ought to be able
5 to go to the Department of Children's Services and
6 tell whatever they want to tell and it ought not be
7 used in any public forum.

8 Q. When did you represent --

9 A. Whenever somebody was trying to get them.

10 Q. And over what period of time was this, do
11 you think?

12 A. How long you were trying to get them?

13 Q. I'm just asking -- let me rephrase the
14 question. Over what period of time do you think you
15 represented any of the Arvizo children in that
16 particular area?

17 A. From the moment I found out the -- Judge
18 Nash wrote to me and said they were trying to
19 get -- I don't want to get this confused, because
20 also my recollection is they were trying to get
21 Jordie's records.

22 And I got a letter from Judge Nash. I
23 didn't solicit it. He wrote to me and wanted to
24 know whether or not on behalf of these children, it
25 was either you -- maybe it was the press. I don't
26 remember who wanted to get these records. Somebody
27 wanted to get these confidential records.

28 And I wrote on behalf of Jordie and I wrote 4583

www.mjfacts.info

1 on behalf of Arvizos probably, that we did object.

2 We -- that's what we did. We didn't have a hearing

3 or anything. But, I mean --

4 Q. You also wrote on behalf of Gavin, Star, and

5 Davellin to prevent release of juvenile court

6 records, true?

7 A. Do you mean criminal records, like juvenile

8 criminal?

9 Q. Juvenile court records. Yes or no, sir?

10 A. Well, I don't know what you mean by it, so I

11 can't answer it yes or no. I just told you what I

12 remember. It was the Department of Children's

13 Services. I don't even know that Gavin had -- I

14 mean, I can't help you, because --

15 MR. SNEDDON: Unless counsel is going to

16 produce something to show in good faith that he's

17 asking that question, I object to the question and

18 ask that the question and the answer be stricken.

19 MR. MESEREAU: I have some correspondence

20 that I was going to try to refresh the recollection

21 of the witness, Your Honor.

22 But I can move on, if the Court wants me.

23 THE COURT: The question's ambiguous, since

24 the juvenile court covers several jurisdictions.

25 MR. SNEDDON: Does that mean my motion is

26 granted, then, Your Honor, to strike?

27 THE COURT: Strike his answer?

28 MR. SNEDDON: Yes, sir. 4584

www.mjfacts.info

1 THE COURT: No.

2 Go ahead. Next question.

3 Q. BY MR. MESEREAU: Mr. Feldman, have you
4 represented Gavin, Star and Davellin Arvizo in
5 proceedings in the Juvenile Division of the Superior
6 Court of Los Angeles when representatives of the
7 media tried to obtain any juvenile court records
8 they might have?

9 A. Well, you keep saying -- I don't know that
10 they have any criminal juvenile court. That's what
11 I think about the juvenile court, as a criminal
12 court for juveniles. I -- to my knowledge, I never
13 heard of this, to this second, that there was -- I
14 did represent them in the Department -- in the
15 dependency court in the County of Los Angeles. And
16 in that, I objected to the media, to you, or anyone
17 else, ever seeing those records. Yes. They're
18 supposed to be confidential. Now, I don't know what
19 happened.

20 Q. Now, would it refresh your recollection on
21 this issue if I show you a letter to you from the
22 Superior Court, Juvenile Division, Los Angeles?

23 A. Yes. Judge Nash?

24 MR. MESEREAU: May I approach, Your Honor?

25 THE COURT: Yes.

26 THE WITNESS: I don't know if it will
27 refresh my recollection, but I'll try.

www.mjfacts.info

28 Yeah, but it's -- no, let me see. Let me 4585

www.mjfacts.info

1 see.

2 Yeah, yeah. I'm right. It's just what I
3 told you. Judge Nash is the supervising judge --

4 Q. BY MR. MESEREAU: Mr. Feldman, let me
5 just -- please.

6 A. Oh.

7 Q. Have you had a chance to look at that
8 letter?

9 A. I have. I have. And it's exactly what I've
10 said.

11 Q. Is it a letter to you of February 5th,
12 2004 --

13 A. I didn't look at the date.

14 Q. -- Re In the Matter of Gavin, Star, and
15 Davellin Arvizo," from Terry Tran, Research
16 Attorney, from the Office of the Presiding Judge --

17 MR. SNEDDON: Your Honor, I'm going to
18 object to counsel reading this. The question is
19 does it refresh his recollection.

20 THE COURT: Sustained.

21 Q. BY MR. MESEREAU: Have you had a chance to
22 review the letter?

23 A. I have.

24 Q. Does it refresh your recollection about
25 whether or not you represented the Arvizo children
26 on that issue?

27 MR. SNEDDON: Object as vague.

www.mjfacts.info

1 THE COURT: Sustained.

2 Q. BY MR. MESEREAU: Mr. Feldman, does that
3 letter refresh your recollection about whether or
4 not you ever represented Gavin, Star or Davellin
5 Arvizo on the issue of whether or not any juvenile
6 records should be disclosed from the L.A. Superior
7 Court?

8 A. Sir, I am going to tell you that does
9 refresh my recollection, and it says exactly what I
10 just told you. The news media was trying to get
11 their records from dependency court. Judge Nash is
12 the head of the whole juvenile system for Los
13 Angeles at that time. He was the presiding judge.
14 He asked me if I objected, and I did object, and I
15 do object, and I will always object for these child
16 dependency records to ever leave that courthouse,
17 because children are supposed to be able to go there
18 and be protected, not have to worry about the media
19 or you, or anybody else attacking those children.

20 Q. You did represent them on that issue, true?

21 A. That's true.

22 Q. Thank you.

23 Do you know how long you represented the
24 Arvizo children on that issue?

25 A. Oh, you know, I got a lot of letters on
26 that. It wasn't just one. So you showed me one.
27 What was the date? You said February '05? But if

28 you asked me, I would have said I got one before 4587

www.mjfacts.info

1 that, frankly.

2 Q. February 5th, 2004.

3 A. Oh, '04. That would be more likely.

4 And over the period of time -- I mean, I
5 know Judge Nash, and so over time I think they had
6 written me letters, like I said, on behalf of the
7 Arvizos and on behalf of the Chandlers asking for
8 whether we objected to him releasing it to the
9 media. I think there's a procedure that they have
10 to do that. But I may be wrong on that. This is
11 not my field.

12 Q. You told the jury that at some point you
13 personally contacted the Los Angeles Department of
14 Children & Family Services regarding this particular
15 matter, correct?

16 A. Yes.

17 Q. And you did that with Stanley Katz, correct?

18 A. Yes.

19 Q. To your knowledge, was Mr. Dickerman
20 involved in that approach?

21 A. Did Dickerman go with us, was that the --

22 I don't know what you mean.

23 Q. We'll start with that. Did Dickerman go
24 with you?

25 A. No, he did not.

26 Q. Did Dickerman discuss it with you?

27 A. I am sure that -- I mean, I didn't just do

www.mjfacts.info

28 this, because when you do this, there could be 4588

www.mjfacts.info

1 serious ramifications for the family.

2 Q. I'm just asking you, sir, to answer the
3 question.

4 A. Well, I'm trying to remember.

5 Q. Did Mr. Dickerman participate with you in
6 any event?

7 A. He didn't go with me, I can tell you that.

8 Whether or not I ever discussed it with him, I
9 thought --

10 Q. Pardon me?

11 A. I mean, that's hard to remember. I

12 certainly should have. I mean, in the normal

13 course, I should have told him that this was what I

14 was going to do, and this is what I thought might or

15 possibly could happen. I mean, because I had to

16 tell the parents what was happening, or the mother.

17 Q. Do you have any knowledge of the case Janet

18 filed against J.C. Penney?

19 A. Just what I read.

20 Q. Have you ever been in contact with any

21 lawyers for Janet Arvizo who represented her in the

22 J.C. Penney matter?

23 A. Well, when you say "contact," yeah, I tried

24 to --

25 MR. SNEDDON: Excuse me, I'm going to object

26 as immaterial.

27 THE COURT: Just a minute.

28 Sustained. 4589

www.mjfacts.info

1 Q. BY MR. MESEREAU: Do you remember ever
2 meeting someone named Jamie Masada in your office?

3 A. I remember Mr. Masada coming to my office
4 for the first meeting and me not letting him in my
5 office. That's --

6 Q. Did he remain in the lobby, to your
7 knowledge?

8 A. He did. I wouldn't let him in.

9 Q. Was it your understanding that he had
10 transported the Arvizos to your office?

11 A. I don't know how they got to my office, but
12 he was there with Mr. Dickerman, and I wasn't
13 letting him in.

14 Q. You weren't letting him in because it could
15 affect the attorney-client privilege, right?

16 A. That's right.

17 Q. Explain that, if the members of the jury
18 don't know, what you meant.

19 A. Sure.

20 Q. Why don't you explain that.

21 A. Give me break, huh?

22 The privilege is sacrosanct. If you tell me
23 something as a lawyer, I can never tell anybody what
24 you've told me. If I have a third party in that
25 room with me, then that privilege, there is no
26 privilege. It no longer remains confidential. So
27 good lawyers will never let somebody other than the

28 client in their office to talk to them because you 4590

www.mjfacts.info

1 lose the privilege if they want to tell you
2 something.

3 The exception to that, sort of, is with
4 children, because children have to act through a
5 guardian, so you'd have their parents in with you.
6 But generally that's what it is.

7 Mr. Masada wanted to, because I think he was
8 a friend of theirs is what I gathered at the time,
9 wanted to be there to give them moral support or
10 whatever, and it wasn't going to happen on my watch.

11 And I said that he could not come in, and he
12 accepted that, and I guess he sat out there. I
13 can't frankly -- I don't remember Mr. Masada, other
14 than that.

15 Q. All right. Have you talked to him on the
16 phone at any time?

17 A. Masada?

18 Q. Yes.

19 A. Not that I know of. I don't think I did.

20 Q. Okay. Was it your understanding he was a
21 friend of the Arvizos when you met him?

22 A. You know, I didn't know if he was a friend
23 of theirs, or a friend of Dickerman's, or a friend
24 of both. I frankly didn't quite get where he fit in
25 all this at that point. I knew he was a friend of
26 Dickerman's, and I just couldn't -- I didn't know
27 really.

28 Q. Okay. Who contacted you about testifying 4591

www.mjfacts.info

1 before the grand jury?

2 A. I guess Mr. Sneddon. Either Mr. Sneddon or

3 Mr. Zonen. One of them.

4 Q. Before you testified to the grand jury, did
5 you discuss your testimony with Prosecutor Sneddon?

6 A. Let's see. That's a good question. I mean,
7 I can tell you nobody -- I just -- not that day,
8 that's for sure. I mean, I don't -- I don't really
9 remember that, frankly. I know I didn't that day.

10 I just sat down in some room, and they called me in
11 and they asked me questions.

12 Q. Did you discuss your testimony that you gave
13 before the grand jury with anyone associated with
14 the prosecution before you gave it?

15 A. I should know that. I don't remember that.

16 I mean, I don't remember it, frankly. They may have
17 called me at some time on the phone, but there
18 wasn't any in-depth conversation about this, that I
19 can remember, in anticipation of my testimony.

20 Q. Did anyone ever tell you what questions they
21 were going to ask you in the grand jury room?

22 A. No.

23 Q. No one ever even came close to the subject?

24 A. The subject came up about the privilege, and
25 I was very concerned about the privilege, and that I
26 remember talking to somebody about.

27 Q. Well, you took the position it was waived in

28 that proceeding, didn't you? 4592

www.mjfacts.info

1 A. I didn't take the position. The prosecution
2 took the position it was waived. And it was. But I
3 was concerned long before it got waived when I was
4 told that I might go -- that they wanted me.
5 I like being a lawyer, Mr. Mesereau. I
6 don't like being a witness. You might understand
7 that. And I'm much more comfortable where you are
8 than where I am right now.
9 And so when -- when it was approached that I
10 was going to become a witness and testify, I was
11 concerned about the privilege, and I wasn't about to
12 testify unless there was a written waiver by the
13 children and the Arvizo -- Miss Arvizo, if they were
14 planning on asking me what she said to me, and where
15 we are, and what I did, and why I did it. And they
16 obtained a written waiver.

17 Q. We can move on from that subject.

18 A. Okay.

19 Q. In May of 2004, you represented Janet Arvizo
20 in an attempt to stop NBC from obtaining West Covina
21 Police Department records, correct, of Janet?

22 A. Yes. I sent them a letter, I mean, saying
23 she objected to it.

24 Q. Did you do anything besides send a letter?

25 A. We certainly -- to my recollection, we
26 didn't file anything. I think we sent a letter.

27 They said, "If you object" -- they sent a letter. I

28 think the police sent a letter or something, said 4593

www.mjfacts.info

1 they were going to release it, if you object or
2 don't object. So we objected, because she didn't
3 want her picture -- it was about her picture, the
4 mug shot of her picture going on television. She
5 was worried about.

6 And we got assurance that nobody was going
7 to do that, put her picture on television, since
8 she -- her privacy was being invaded already. And
9 so we -- once we got assurance that wasn't going to
10 happen, I think that's what we did. So we objected,
11 and I think the lawyers for the media gave us that
12 assurance that nobody would do that, or something.
13 That's what the concern was.

14 Q. When you filed your claim against Los
15 Angeles County --

16 A. Yes.

17 Q. -- on behalf of Janet Arvizo, Star Arvizo,
18 Gavin Arvizo, and Davellin Arvizo, where did you
19 file it?

20 A. The County of Los Angeles.

21 Q. Did you have any further correspondence with
22 them after you filed it?

23 A. With the county?

24 Q. Yes.

25 A. Yeah. I think so. We wanted them to
26 investigate and they weren't investigating how this
27 thing got leaked, and -- so I had several letters

28 back and forth with Mr. Saunders, and then when we 4594

www.mjfacts.info

1 filed the claim, some claims adjuster for the county
2 I think sent a letter.

3 Q. Now, Mr. Feldman, you previously told the
4 jury that you don't have knowledge of the J.C.
5 Penney case, correct?

6 A. No, I didn't say that. How could I not? It
7 was all over the news. I mean, I hear it every day.
8 I mean, I don't have any -- I mean, I didn't say
9 that.

10 Q. Well, Mr. Feldman, in June of 2004, you
11 tried to stop the release of records involving the
12 J.C. Penney case on behalf of the Arvizos, correct?

13 A. We wanted the records for Janet. Mr. -- the
14 lawyer that represented him -- them took the
15 position we couldn't have them unless we gave them
16 to Janet's husband. And since Janet's husband was
17 having a love affair with the media at that time,
18 and he was on television every day, we weren't going
19 to let those records go out to him because we
20 thought he would use them against her. And so we
21 were trying to get the records, and we never got
22 them.

23 Q. But you tried to stop the City of West
24 Covina from releasing arrest records of Janet in
25 that case?

26 MR. SNEDDON: I'm going to object as asked
27 and answered.

28 THE WITNESS: It was the picture. It was 4595

www.mjfacts.info

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?

www.mjfacts.info

28 A. I absolutely have never had a meeting with 4596

www.mjfacts.info

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?

21 A. Physical.

22 Q. And how old was this baby?

23 A. 13 months or -- 12 months or 13 months. It
24 was an infant.

25 Q. And this was in the dependency court,
26 correct?

27 A. This was in the dependency court. These

28 parents had just adopted this child, and the County 4597

www.mjfacts.info

1 of Los Angeles was trying to take the child away
2 from these parents.

3 Q. So the lawsuit involved the County of Los
4 Angeles and the individuals who were accused,
5 correct?

6 A. Correct.

7 Q. You indicated to the Court and to the ladies
8 and gentlemen of the jury that at some point you did
9 represent, to oppose a subpoena duces tecum the
10 parents of the Arvizos, correct?

11 A. Yes.

12 Q. And what exactly was the objection that you
13 had to that?

14 A. It was invading their privacy, two
15 grandparents of this little boy, who all of a sudden
16 the defense wants to get all of their financial
17 records, every check they've ever written, every
18 bank account they've ever done business in.

19 Q. Was there --

20 A. I thought it was overly broad and unfair to
21 these grandparents, since I'm one myself, to get
22 dragged into this thing.

23 Q. Did the scope of the records that were
24 requested go far beyond the time frame of the events
25 involved in this case?

26 A. I thought it was the most overbroad,
27 overreaching thing, and we objected and brought it

28 to the Court, to Judge Melville's attention. And 4598

www.mjfacts.info

1 frankly, I don't recall what the Judge ruled, but
2 that's what we did.

3 Q. Okay. I want to go back to the Jordan
4 Chandler versus Michael Jackson lawsuit, if we can
5 for a moment.

6 A. Sure.

7 Q. I want to go to that point in time where the
8 case has been settled, it's been resolved, okay?

9 A. Yes.

10 Q. Do you recall having a meeting after the
11 case had been resolved and settled in favor of your
12 client, with members or representatives of the Los
13 Angeles District Attorney's Office and the Santa
14 Barbara District Attorney's Office in your office?

15 MR. MESEREAU: Objection. Leading; beyond
16 the scope.

17 THE COURT: Well, it's leading. I'll sustain
18 the objection.

19 Q. BY MR. SNEDDON: Do you recall whether or
20 not you ever had a meeting with representatives of
21 the Los Angeles District Attorney's Office and the
22 Santa Barbara District Attorney's Office in your
23 office after the case had been resolved in favor of
24 your client?

25 MR. MESEREAU: Objection. Leading; and
26 beyond the scope; no foundation.

27 THE COURT: It's the same question. Maybe we

28 just ought to call it refreshing his memory. 4599

www.mjfacts.info

1 MR. SNEDDON: I said "whether or not," Your
2 Honor. That doesn't make it leading.

3 THE COURT: All right. I was trying to be
4 humorous.

5 MR. SNEDDON: Oh, I guess I lost my humor
6 this morning. You were trying to read my mind once
7 before.

8 THE COURT: Let's take a break.

9 (Recess taken.)

10 MR. SNEDDON: Judge, I think I can rephrase
11 the question so we can move on. If that's okay with
12 the Court.

13 THE COURT: Yes.

14 Q. BY MR. SNEDDON: Mr. Feldman, I'd like to
15 direct your attention to that point in time after
16 you had resolved the case of Chandler versus
17 Jackson, okay?

18 A. Yes.

19 Q. Do you recall at any point having a
20 discussion with representatives of any District
21 Attorney's Office with regard to your client, Jordan
22 Chandler, appearing before a grand jury?

23 A. Vaguely, yes. Vaguely, yes.

24 Q. Do you recall -- do you recall the substance
25 of that conversation?

26 MR. MESEREAU: Objection. Hearsay;
27 foundation; relevance; and beyond the scope.

28 THE WITNESS: This is -- 4600

www.mjfacts.info

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 --
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

www.mjfacts.info

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?

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

www.mjfacts.info

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.

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

www.mjfacts.info

1 A. That's right.

2 Q. Now, that seems counterintuitive. Can you
3 explain to us why that happened?

4 MR. MESEREAU: Objection. Relevance;
5 foundation; move to strike.

6 THE COURT: Overruled.

7 THE WITNESS: The reason it happened was
8 because Mr. Jackson's legal team wanted
9 confidentiality. They didn't want anybody ever
10 talking about this. And they were concerned if, in
11 fact, the parents weren't getting money --

12 MR. MESEREAU: I'm going to object, this is
13 nonresponsive. And move to strike.

14 THE WITNESS: They said this, Your Honor.

15 MR. MESEREAU: And calls for speculation and
16 it's hearsay.

17 THE COURT: No, the question was, "Can you
18 explain why that happened," and that's what he's
19 explaining. So --

20 THE WITNESS: They told us that they wanted
21 the parents to get the money so that the parents
22 would be bound by the settlement agreement, so that
23 the parents couldn't talk, that the parents couldn't
24 write a book, the parents couldn't go -- I mean, we
25 weren't precluded from talking to the police. We
26 were just -- they weren't able to write a book.
27 They weren't able to go on television. They weren't

28 able to do anything. And they wanted the parents 4604

www.mjfacts.info

1 bound.

2 And it's because of that that I brought in a
3 retired Court of Appeal Judge to become the new
4 guardian ad litem, because I didn't want the
5 parents taking anything away from the child.

6 Q. BY MR. SNEDDON: All right. Now, at the
7 time that you were introduced to the Arvizo family,
8 did you or were you aware of the fact that Gavin
9 Arvizo had had cancer?

10 A. Yes.

11 Q. And were you given information about the
12 severity of the cancer that he had?

13 A. Yes. Very severe. Life-threatening.

14 Q. And did the advice that you gave to the
15 Arvizo family during the time that you did represent
16 them involve considerations about Gavin's health?

17 MR. MESEREAU: Objection. Leading; and
18 beyond the scope; and foundation.

19 THE COURT: Sustained.

20 MR. SNEDDON: Your Honor, could I --

21 THE COURT: It's beyond the scope.

22 MR. SNEDDON: Beyond the scope?

23 Q. Mr. Feldman, based upon -- well, let me go
24 back and lay one foundational thing. Did you,
25 during the course -- and I don't obviously want you
26 to disclose anything that was said, but as a
27 foundational matter, during the course of the time

28 that you did represent the Arvizo family, and Gavin 4605

www.mjfacts.info

1 Arvizo in particular, did you have discussions with
2 Gavin?

3 A. Yes.

4 MR. MESEREAU: Objection as beyond the
5 scope.

6 MR. SNEDDON: Well, I --

7 THE COURT: Overruled. The answer is, "Yes."

8 Next question.

9 MR. SNEDDON: All right.

10 Q. Based upon your conversations with Gavin and
11 those of the family, and your experience in civil
12 suits as a trial lawyer, as an experienced
13 litigator, are you able to tell the ladies and
14 gentlemen of the jury whether, in your opinion,
15 Gavin Arvizo has any interest in pursuing a suit
16 against Michael Jackson over these molestation
17 charges?

18 MR. MESEREAU: Objection. Calls for
19 speculation; beyond the scope; foundation.

20 THE COURT: Sustained.

21 MR. SNEDDON: Is that a foundational thing,
22 Your Honor, or just in total?

23 THE COURT: All of them. No, that's not a
24 proper question.

25 MR. SNEDDON: All right.

26 Q. Mr. Mesereau asked you a question as to --
27 when he was asking you about criminal cases versus

28 civil cases, and why in your opinion it would be 4606

www.mjfacts.info

1 foolish to go criminal first before you would go
2 civil. Do you recall that?

3 A. He was saying it's easier to go criminal
4 than go civil. That's what he was --

5 Q. And you said it was foolish?

6 A. Oh, I said it's foolish?

7 Q. Yeah, not him.

8 A. Oh, I said it's foolish. Yeah, well, if I
9 said it or not, I think it is foolish.

10 Q. All right. Explain why.

11 A. Well, part of it is what he just said. As a
12 lawyer, I want to control what happens. I want to
13 protect this child. The only person that was ever
14 going to be my client, even though they all signed a
15 retainer, was this child, and -- Gavin, and I wanted
16 to do what's best for Gavin.

17 The District Attorney represents the People.

18 They have to prove it by beyond a reasonable doubt.

19 As Mr. Mesereau says, in a civil case, you only have
20 to prove it by a preponderance of the evidence, more
21 likely than not.

22 And so I would never, if it was -- if I was
23 going to do a civil case, ever want the District
24 Attorney, the police, any criminal case, involved
25 with a civil case.

26 In a civil case -- in a criminal case
27 defendants have Fifth Amendment rights, and they

28 don't have to testify. In a civil case, things are 4607

www.mjfacts.info

1 different, and I would never want to do what Mr.
2 Mesereau said. It is almost inhumane, when you have
3 a cancer victim, to have him go through a criminal
4 trial, and then maybe he gets convicted, and then
5 all of a sudden, now he's going to do it again and
6 spend these -- these years of his life. I wouldn't
7 do it. I wouldn't be a part of doing it. And I
8 don't know many lawyers in this -- who practice good
9 law would ever suggest that the District Attorney
10 start and handle the case.

11 I didn't do it in '93. I wouldn't have done
12 it in 2003. And I won't ever do it.

13 MR. SNEDDON: Thank you. No further
14 questions.

15

16 RE-CROSS-EXAMINATION

17 BY MR. MESEREAU:

18 Q. Mr. Feldman, do you know that Gavin is not
19 only in remission, he's playing football?

20 A. I know he's in remission. But I know that
21 stress can impact cancer. And --

22 Q. But you knew he was in remission a long time
23 ago?

24 A. I know -- I didn't know where he was. He's
25 better today than he was when I first met Gavin.

26 Gavin's done wonderful physically over the last --
27 how long has this been? Almost two years now. He's

28 doing much better. If you saw him then compared to 4608

www.mjfacts.info

1 seeing him now.

2 Q. Have you ever been a criminal prosecutor
3 yourself?

4 A. A criminal prosecutor?

5 Q. Yes.

6 A. No.

7 Q. Are you aware that criminal prosecutors
8 often look to see if civil lawyers are trying to use
9 the criminal process to win their cases for them?

10 A. Say that one more time.

11 Q. Are you aware that prosecutors often, when
12 approached by civil lawyers, are wary to see if
13 civil lawyers are trying to use them to win their
14 cases for them in the criminal courts?

15 A. I wouldn't have any idea what they do.

16 Q. You're not changing what you told the jury
17 earlier, that if you have a judgment of a criminal
18 conviction, you can go into civil court and use it
19 to establish liability just with the document?

20 A. I'm not changing what I said. If you had a
21 criminal -- we're talking about -- no, I wouldn't
22 change that.

23 MR. MESEREAU: No further questions.

24

25 REDIRECT EXAMINATION

26 BY MR. SNEDDON:

27 Q. The deadly "one more question."

28 A. Yeah, I've heard it. 4609

www.mjfacts.info

1 Q. You know, it's an occupational hazard.

2 A. Yes, I know.

3 Q. Let's just get back to this thing that Mr.

4 Mesereau was just talking about, the impact of a

5 criminal conviction.

6 For you, as a trial lawyer, could you

7 explain to the ladies and gentlemen of the jury what

8 the difference is between compensatory damages and

9 punitive damages?

10 A. Yeah. In compensatory, you're trying to

11 make a person whole. The jury assesses what is the

12 losses. In the grownup, you know, it would be loss

13 of income, medical bills, home care, things of that

14 nature. And pain and suffering or emotional

15 distress. That's what we call compensatory, and

16 what the law says about that is the purpose is to

17 make somebody whole.

18 Punitive damages are something that is on

19 top of that. It is to punish someone who needs to

20 be punished for bad behavior. In certain places in

21 the law -- not in all cases. Most cases you can't

22 get them, but in certain places under the law,

23 sexual molestation would be one. Assault and

24 battery would be another. Fraud, where somebody is

25 guilty of what we call malice, or fraud, or

26 oppression, is another. And in those, the law says

27 you got a higher standard of care, still not as high

28 as a criminal case, but you have to prove malice. 4610

www.mjfacts.info

1 And in order to prove malice, you have to prove
2 fault. And it's a different fault than the fault
3 that's in a criminal -- because I don't know what
4 exactly you have to prove in a criminal case, so I
5 don't want to get too far ahead of myself here.
6 But it doesn't just follow that you wouldn't
7 have to go back to starting to prove things all over
8 again if you were to be in a civil case. And you
9 can't tell. You know, a lot of criminal cases wind
10 up hung juries. I mean, it's just not the way most
11 civil lawyers do things, and --

12 MR. SNEDDON: Thank you. No further
13 questions.

14 THE WITNESS: (To Mr. Mesereau) Well, there
15 goes that last question, huh? If you'd raise your
16 hand, I'd stop.

17

18 RE-CROSS-EXAMINATION

19 BY MR. MESEREAU:

20 Q. Mr. Feldman, if you're going in front of a
21 civil jury, and you're trying to prove that the
22 civil defendant acted with malice --

23 A. Yes.

24 Q. -- don't you think it might affect that jury
25 if the civil defendant is a convicted felon?

26 A. I think it helps. Yeah. Sure.

27 Q. Of course it helps, doesn't it?

28 A. Of course it helps. But that's -- you know, 4611

www.mjfacts.info

1 you got to balance this about a kid who's got cancer

2 and who's sick and --

3 Q. That's not what we're talking about, Mr.

4 Feldman. I asked you, if you go into civil court

5 and are trying to prove malice to get punitive

6 damages, and the defendant is a convicted felon, you

7 have a much easier road, don't you?

8 A. I -- yes.

9 MR. MESEREAU: Thank you.

10 MR. SNEDDON: I keep my word.

11 THE COURT: All right. Thank you. You may

12 step down.

13 THE WITNESS: Thank you, Your Honor.

14 THE COURT: Call your next witness.

15 MR. AUCHINCLOSS: People call Jesus Salas.

16 THE BAILIFF: He's on his way in.

17 THE COURT: Come to the front of the

18 courtroom, please.

19 When you get to the witness stand, please

20 remain standing. Face the clerk and raise your

21 right hand.

22

23 JESUS SALAS

24 Having been sworn, testified as follows:

25

26 THE WITNESS: I do.

27 THE CLERK: Please be seated. State and

28 spell your name for the record. 4612

www.mjfacts.info

1 THE WITNESS: My name is Jesus Salas.

2 J-e-s-u-s; Salas, S-a-l-a-s.

3 THE CLERK: Thank you.

4

5 DIRECT EXAMINATION

6 BY MR. AUCHINCLOSS:

7 Q. Good afternoon, Mr. Salas.

8 A. Good afternoon.

9 Q. In the year 2003, Mr. Salas, who were you

10 employed by?

11 A. I was employed by Neverland Valley Ranch.

12 Q. And who was your employer?

13 A. Mr. Jackson.

14 Q. Michael Jackson?

15 A. Michael Jackson, yes.

16 Q. The man seated to my right?

17 A. That is correct.

18 Q. Mr. Salas, how long -- well, let me back up.

19 When did you cease to work for Neverland Valley

20 Ranch? When did you stop working there?

21 A. It was late June 2003.

22 Q. And how many years did you work at Neverland

23 Valley Ranch?

24 A. 20 years.

25 Q. Did you work there before Mr. Jackson bought

26 that property?

27 A. Yes, sir.

28 Q. And what did you do during your years at 4613

www.mjfacts.info

1 working at Neverland Ranch? What were you employed
2 doing?

3 A. I was outside on-grounds maintenance
4 supervisor.

5 Q. You were a supervisor of grounds
6 maintenance?

7 A. Right.

8 Q. And what did that involve?

9 A. Keeping up the place, you know, maintaining
10 the place, and anything that -- any activities that
11 needed to be done on the grounds.

12 Q. Did you have people working under you?

13 A. Yes.

14 Q. And how many?

15 A. I believe it was about 15 people, something
16 like that.

17 Q. 15?

18 A. Uh-huh.

19 Q. Who did you report to during that period of
20 time?

21 A. We had a ranch manager.

22 Q. And at some point, did you change jobs?

23 A. Yes, I did.

24 Q. When was that?

25 A. It was -- I would say it was in the middle
26 of 2002.

27 Q. And what job did you take up? What was your

28 new job at that time? 4614

www.mjfacts.info

1 A. I was assigned to be the house manager for

2 Mr. Jackson.

3 Q. Was that a promotion?

4 A. I would say yes.

5 Q. Okay. More responsibility?

6 A. More responsibility.

7 Q. And what did you do as the house manager?

8 A. Making sure that the house was -- making

9 sure that everything that the house needed to be

10 done. I was just to make sure that everything was

11 there for Mr. Jackson and his guests.

12 Q. And when you say "the house," what structure

13 or structures do you mean with specificity,

14 specifically?

15 A. It was the main house and guest units,

16 theater. Anything involved with the facilities of

17 Mr. Jackson.

18 Q. How many people did you have working under

19 you as house manager?

20 A. Eight people.

21 Q. And what were their various employments?

22 What did they do?

23 A. House -- house maids and cooks.

24 Q. So who did you report to when you were house

25 manager?

26 A. We also have a ranch manager. But I also

27 report to Mr. Jackson.

28 Q. Did you report directly to Mr. Jackson? 4615

www.mjfacts.info

1 A. Yes, I did.

2 Q. And whereabouts did you work? What was --
3 in your day-to-day life as house manager, your
4 employment as house manager, tell me about -- give
5 me an idea of what you would do in a given day.

6 A. Well, we did the various of things, you
7 know. Making sure that the place was clean. Making
8 sure that we had everything stocked, supplies. And
9 making sure that the guesthouse was clean. Stuff
10 like that. Just keeping up with the place.

11 Q. Did you have an office or anything of that
12 nature?

13 A. Yes. There's an office in the house.

14 Q. And where is that located?

15 A. It's in the back of the house, as you first
16 go into the main, the back door on the left side.

17 Q. When Mr. Jackson was on the property, how
18 often would you have contact with him, as house
19 manager?

20 A. Daily basis.

21 Q. More than once a day, or -- give me an idea,
22 if you would.

23 A. Sometimes it was once. Sometimes it was
24 more than that. It depends.

25 Q. And if Mr. Jackson wanted something done,
26 let's say he wanted flowers in a certain place at
27 the house, who would take care of that?

28 A. It was -- that responsibility, it was some 4616

www.mjfacts.info

1 other people who was in charge of the flowers.

2 Q. Okay. Would he -- who would he tell that he
3 wanted the flowers in that particular place?

4 A. Mr. Jackson will tell anybody that he wanted
5 to first.

6 Q. Okay. As far as keeping the kitchen
7 stocked, was that one of your jobs?

8 A. Yes.

9 Q. What about alcohol on the ranch, was that
10 your job as well, to keep alcohol stocked?

11 A. I had to make sure that we had what he
12 needed or anything that needed to be in the house.

13 Q. Can you characterize for me what level of
14 service Mr. Jackson expected at Neverland Ranch?

15 A. The best.

16 Q. What were your daily hours like?

17 A. It was pretty long hours. 7 a.m. to -- to
18 1:00 or 2:00 in the morning. 3:00 sometimes.

19 Q. Was that a normal day for you to work such
20 long hours?

21 A. It was not normal. But it was a requirement
22 that we had it -- to get things done.

23 Q. And can you characterize for me the
24 expectation that Mr. Jackson had concerning the
25 level of service?

26 MR. MESEREAU: Objection. Vague; calls for
27 speculation.

28 THE WITNESS: When you say "expectation," 4617

www.mjfacts.info

1 could you specify it a little bit?

2 MR. AUCHINCLOSS: Just a moment.

3 THE COURT: Okay, he's asked you to clarify.

4 Q. BY MR. AUCHINCLOSS: You said that the
5 services for Mr. Jackson was first class?

6 A. Yes.

7 Q. Yes?

8 MR. MESEREAU: Objection; misstates the
9 evidence.

10 Q. BY MR. AUCHINCLOSS: I can't recall exactly
11 what you said. What did you say about the level of
12 service?

13 A. That he expected the best.

14 Q. He expected the best. Okay. And if he
15 didn't get the best, would he let you know that?

16 A. Yes.

17 MR. MESEREAU: Objection; calls for
18 speculation.

19 THE COURT: Overruled.

20 Q. BY MR. AUCHINCLOSS: Was Mr. Jackson shy
21 about telling somebody, an employee, that he was
22 displeased about something?

23 A. Not necessarily. He would tell you the
24 way -- he will make you understand what he wanted.

25 Q. Did he ever fire people?

26 A. Not that I'm aware of.

27 Q. Was he ever responsible for firing someone?

www.mjfacts.info

1 Q. You don't know if he ever wanted someone
2 fired?

3 MR. MESEREAU: Objection; asked and
4 answered.

5 THE COURT: Sustained.

6 Q. BY MR. AUCHINCLOSS: Was anybody fired
7 during the period of time that you worked there?

8 A. Yes.

9 Q. Tell me, was anybody fired when you worked
10 as a house manager?

11 A. No, nobody.

12 Q. While you worked at Neverland, were you ever
13 asked to maintain any level of secrecy about what
14 happened at Neverland?

15 MR. MESEREAU: Objection; leading.

16 THE COURT: Overruled.

17 You may answer.

18 THE WITNESS: There's -- there's a procedure
19 that when you are hired at Neverland Valley Ranch
20 you do sign some confidentiality forms.

21 Q. BY MR. AUCHINCLOSS: And when you agree to
22 that form, what are you agreeing to?

23 A. To respect the policy.

24 Q. What is the policy?

25 A. Of not talking anything that you shouldn't
26 talk about, Neverland.

27 Q. Okay. Are you allowed to talk about

28 anything that happens on Neverland off the Neverland 4619

www.mjfacts.info

1 property?

2 A. No, you're not.

3 Q. Why did you -- why did you leave your

4 employment at Neverland?

5 A. The reason I left -- it was many things

6 involving that. And I became to the point that I

7 say, you know, "This -- it's time for me to move

8 on." There was some things that I didn't like about

9 how things were running there. So it was a lot of

10 stress, and I say, "Okay, it's time for me to move

11 on."

12 Q. Whose decision was it to leave Neverland?

13 A. It was my decision.

14 Q. When you were working at Neverland as the

15 house manager, did you have occasion to go into Mr.

16 Jackson's private quarters?

17 A. Yes, I did.

18 Q. Were you -- did you have occasions where you

19 went upstairs into the bedroom area?

20 A. Yes.

21 Q. Was there any notification system that

22 signaled Mr. Jackson when someone was coming into

23 his room?

24 A. Yes.

25 Q. Can you describe it for me?

26 A. It was a doorbell as you come through the

27 hallway. You can tell when somebody was approaching

28 to the door. 4620

www.mjfacts.info

1 Q. And what kind of sound did it make?

2 A. It's a bell.

3 Q. Just a bell?

4 A. Uh-huh.

5 Q. Now, as you entered Mr. Jackson's room, tell
6 me about the first level.

7 A. He had a big T.V. upstairs. There was some
8 couches.

9 Q. Were there windows in that area?

10 A. Yes.

11 Q. Did they have any window coverings?

12 A. Yes, they did.

13 Q. Generally speaking, would Mr. Jackson keep
14 those -- well, let me, first of all, strike that.

15 Let me ask you, what type of window
16 coverings are we talking about?

17 A. Shutters.

18 Q. Shutters?

19 A. Uh-huh.

20 Q. Were there any curtains?

21 A. No.

22 Q. Typically would the shutters be open,
23 closed, or something in between? You tell me.

24 A. They were closed.

25 Q. They usually were closed?

26 A. That's correct.

27 Q. Could people from outside see inside Mr.

28 Jackson's room? 4621

www.mjfacts.info

1 A. No.

2 Q. Was it generally dark in there?

3 A. Pretty much.

4 MR. MESEREAU: Objection. Foundation; move
5 to strike.

6 THE COURT: Overruled.

7 MR. AUCHINCLOSS: If I may approach, Your
8 Honor?

9 MR. MESEREAU: May I see what counsel's --

10 MR. AUCHINCLOSS: Yes, certainly.

11 Q. BY MR. AUCHINCLOSS: All right. Mr. Salas,

12 I show you People's Exhibit No. 338. Can you

13 identify that photograph for me, please?

14 A. Yes. That's Gavin, Star, and the sister.

15 Q. Okay.

16 A. Davellin.

17 Q. Davellin?

18 A. Davellin.

19 Q. Are those the Arvizo children?

20 A. That is correct.

21 Q. I show you People's Exhibit No. 3. Have you

22 ever seen that individual?

23 A. I probably have. I don't remember.

24 Q. Okay. If you -- does he look at all like

25 somebody you've ever seen at Neverland Ranch?

26 A. Yes.

27 Q. He does?

www.mjfacts.info

1 Q. But you don't know his name?

2 A. No. I don't remember his name.

3 Q. I show you People's Exhibit No. 17. Do you
4 recognize that picture?

5 A. Yes, sir.

6 Q. And who is that?

7 A. Dieter.

8 Q. Dieter?

9 A. Uh-huh.

10 Q. Was he a visitor at Neverland Ranch?

11 A. Yes, he was.

12 Q. I show you People's Exhibit No. 18. Can you
13 identify that photograph?

14 A. That's Mr. Ronald.

15 Q. Ronald?

16 A. Uh-huh.

17 Q. This photograph is maybe not so good, but

18 I'll show it to you anyway. People's Exhibit 19.

19 Are you able to identify that individual?

20 A. Yes. Can't remember his name. Sorry.

21 Q. Okay. We'll talk about him.

22 People's Exhibit No. 20. Do you recognize
23 him?

24 A. That's Frank Tyson.

25 Q. Frank Tyson.

26 People's Exhibit No. 21, I show you that.

27 Can you recognize that?

28 A. That is Aldo. 4623

www.mjfacts.info

1 Q. Aldo?

2 A. Uh-huh.

3 Q. And then I have three exhibits which we
4 haven't introduced yet. Exhibit 46, do you
5 recognize that photograph?

6 A. I do, but I don't remember his name.

7 Q. People's Exhibit 45?

8 A. Yes, I do.

9 Q. Do you recognize that?

10 A. Yes.

11 Q. Do you remember his name?

12 A. No.

13 Q. And People's Exhibit 47, do you recognize
14 that photograph?

15 A. Yes, I do. Don't remember his name.

16 Q. All right. Good enough.

17 First of all, going back to 47, how do you
18 recognize this picture? Where have you seen that
19 face before?

20 A. At Neverland Valley Ranch.

21 Q. And have you seen this person at Neverland
22 Valley Ranch on -- give me an idea of how many times
23 he's visited there.

24 BAILIFF CORTEZ: They can't hear you, sir,
25 in the back.

26 Q. BY MR. AUCHINCLOSS: How many times has this
27 individual visited at Neverland Valley Ranch, if you

1 A. I'm not quite sure how many times. But he
2 was there quite a few times.

3 Q. Quite a few times?

4 Did this individual associate with Mr.
5 Jackson while he was at Neverland Valley Ranch?

6 A. Yes, he did.

7 Q. Showing you Exhibit 45, can you tell me how
8 many times this individual was at Neverland?

9 A. About the same amount of times.

10 Q. A number of times?

11 A. Yes.

12 Q. Did he also associate with Mr. Jackson?

13 A. That is correct.

14 Q. People's Exhibit 46, same question. Was
15 he -- how many times did he come to Neverland?

16 A. Same answer.

17 Q. Many times?

18 A. Uh-huh.

19 Q. Did he also associate with Mr. Jackson?

20 A. That's correct.

21 Q. Thank you.

22 Those last three photographs that I showed
23 you, Mr. Salas, is there anything that these three
24 individuals have in common?

25 MR. MESEREAU: Objection; vague.

26 THE COURT: Sustained.

27 Q. BY MR. AUCHINCLOSS: Can you tell me, do

28 those three individuals have anything in common 4625

www.mjfacts.info

1 concerning the area where they live?

2 A. They --

3 MR. MESEREAU: Objection; vague.

4 THE WITNESS: They live in Los Olivos.

5 THE COURT: Overruled.

6 Q. BY MR. AUCHINCLOSS: All right. So, let's

7 go back to the Arvizo family. Or -- I think I'll

8 begin with a different photograph.

9 Could I have the Elmo on, please, Your

10 Honor?

11 All right. Showing you People's Exhibit

12 No. 3, you previously identified that photograph as

13 someone that you've seen at Neverland Valley Ranch;

14 is that correct?

15 A. That is correct.

16 Q. Can you tell me approximately -- if you have

17 seen that individual at Neverland Valley Ranch on

18 more than one occasion.

19 A. I believe I have, but I'm not quite sure how

20 many times.

21 Q. Okay. Can you tell me if that individual

22 had any association with Michael Jackson while he

23 was at Neverland Valley Ranch?

24 MR. MESEREAU: Objection; foundation.

25 MR. AUCHINCLOSS: I can --

26 THE COURT: Overruled.

27 You may answer.

www.mjfacts.info

28 THE WITNESS: I believe they did. 4626

www.mjfacts.info

1 MR. AUCHINCLOSS: All right.

2 Q. Showing you Exhibit No. 20. I believe

3 you've identified this as whom?

4 A. Frank Tyson.

5 Q. And how long have you known Frank Tyson?

6 A. I know Frank Tyson for quite a few years

7 already.

8 Q. Can you give me an idea how old he was when

9 you first met him?

10 A. Not quite sure how old he was, but he was

11 pretty young.

12 Q. Okay. Can you estimate?

13 A. He was probably about 18 years, or something

14 like that.

15 Q. 18 years old?

16 A. Something like that.

17 Q. When you first met him?

18 A. Right.

19 Q. Do you know how old he is now?

20 A. I don't.

21 Q. Okay. And where did you meet him?

22 A. At Neverland Valley Ranch.

23 Q. And did he associate with Mr. Jackson while

24 he was at Neverland Valley Ranch?

25 A. Yes, he did.

26 Q. How often?

27 A. I would say pretty often.

28 Q. Do you know what his relationship was with 4627

www.mjfacts.info

1 Mr. Jackson?

2 A. Just a friend, I believe.

3 Q. Okay. Have you ever described him as Mr.

4 Jackson's right-hand man?

5 MR. MESEREAU: Objection. Leading; move to

6 strike.

7 THE COURT: Overruled.

8 You may answer.

9 THE WITNESS: At one point, yes, sir, he was.

10 Q. BY MR. AUCHINCLOSS: When was he Mr.

11 Jackson's right-hand man?

12 A. Don't remember exactly the year that he was,

13 but I believe it was probably around '90. I want to

14 say that. Not quite sure of the year, you know.

15 Q. 1990?

16 A. Somewhere around there.

17 Q. So that would have been 15 years ago?

18 A. Something like that, I would say. Maybe

19 less than that.

20 Q. How old do you think he is now?

21 A. I'm not sure. I don't know. I honestly

22 don't know.

23 Q. How many years have you known him?

24 A. Well, I want to say it was about 15 years

25 since the first time I met him.

26 Q. All right. Now, why did you characterize

27 him as "Mr. Jackson's right-hand man"?

28 A. Because at one point he came to the ranch 4628

www.mjfacts.info

1 and he is the one that was giving orders as to what
2 to do around the property.

3 Q. When he was there in 2003 -- well, let me
4 back up. Was Frank Tyson on the ranch in 2003?

5 A. Yes, he was.

6 Q. And when he was there in 2003, did he also
7 give orders as to what should go on at the ranch?

8 A. No.

9 Q. Didn't he also give you some orders, Mr.

10 Salas?

11 MR. MESEREAU: Objection; leading.

12 MR. AUCHINCLOSS: That's impeachment.

13 MR. MESEREAU: Misstates the evidence. It's
14 asked and answered.

15 THE COURT: Overruled.

16 You may answer.

17 THE WITNESS: Yes, he did. I mean, he did,
18 but not the same orders as when he was the first
19 time. This was more like for Mr. Jackson.

20 Q. BY MR. AUCHINCLOSS: More like he was giving
21 you orders for Mr. Jackson; is that what you're
22 saying?

23 A. Yes.

24 MR. MESEREAU: Move to strike. The
25 prosecutor didn't let him finish his answer. And
26 that's leading.

27 THE COURT: Actually, he's just repeating

28 what the witness said. Would you phrase a new 4629

www.mjfacts.info

1 question, please?

2 MR. AUCHINCLOSS: Yes. Thank you.

3 Q. Why do you say that he was giving you orders
4 for Mr. Jackson?

5 A. Because many times, if things that needed to
6 be done, or anything that need -- to Mr. Jackson to
7 be notified, he would said, "I will take care of
8 that." So that's how I realized that he was also
9 giving orders.

10 Q. Did you ever see Mr. Jackson give Frank
11 Tyson orders or --

12 A. No, no, I didn't.

13 Q. And did Mr. Jackson spend time with Frank
14 Tyson in 2003?

15 A. Yes.

16 Q. Can you characterize how often they would
17 spend time together when they were at the ranch?

18 A. I would say, I don't know, about once a day
19 or something like that. All depends.

20 Q. Once a day they would get together?

21 A. On occasions. Not always, okay?

22 Q. I'm just asking you for what you saw.

23 A. Right.

24 Q. Okay. So when you'd see them get together
25 during the day, can you tell me, whereabouts would
26 they meet on the ranch? Where would you see them?

27 A. Many times it was in his office. Many times

28 it was in the video library. Not in the video 4630

www.mjfacts.info

1 library. The library at the house.

2 Q. Uh-huh.

3 A. Sometimes in Mr. Jackson's room.

4 Q. When you say "his office," do you mean Mr.

5 Jackson's office?

6 A. Mr. Jackson's office, yes.

7 Q. Can you tell me, how would you characterize

8 their relationship, based upon what you saw, the

9 years of seeing them together?

10 MR. MESEREAU: Objection; asked and

11 answered.

12 THE COURT: Overruled.

13 You may answer. Do you want the question

14 read back?

15 THE WITNESS: Yes. Go ahead and ask the

16 question again, please.

17 Q. BY MR. AUCHINCLOSS: My question is, how

18 would you character -- how would you describe their

19 relationship, based on all the years that you saw

20 Mr. Tyson and Mr. Jackson associating with one

21 another?

22 A. I would say that it was some friend

23 relationship, bonded together.

24 Q. How would you characterize it in terms of

25 closeness?

26 A. What do you mean by that?

27 Q. Well, were they close friends or distant

28 friends? You know what I mean, I think. 4631

www.mjfacts.info

1 A. No, I think at one point they were pretty
2 close friends.

3 Q. Did they still appear to be friends in 2003?

4 A. Not really.

5 Q. Not really?

6 A. No.

7 Q. Well, Mr. Tyson was a guest in 2003, wasn't
8 he?

9 A. Yes, he was.

10 Q. And he was -- did Mr. Jackson allow guests
11 on the ranch when he didn't want them there?

12 MR. MESEREAU: Objection; leading question.

13 THE COURT: It's argumentative.

14 MR. AUCHINCLOSS: Okay.

15 Q. Do you know if Mr. Jackson allowed anybody
16 on the ranch who he was not friends with?

17 MR. MESEREAU: Objection; calls for
18 speculation.

19 THE COURT: Sustained.

20 Q. BY MR. AUCHINCLOSS: If Mr. Jackson did not
21 want somebody on the ranch, would he keep them out?

22 MR. MESEREAU: Objection; calls for
23 speculation.

24 THE COURT: Sustained.

25 Q. BY MR. AUCHINCLOSS: Is there a security
26 gate at Neverland Ranch?

27 A. Yes, there is.

28 Q. And does someone have to get permission to 4632

www.mjfacts.info

1 get into Neverland Ranch?

2 A. Absolutely.

3 Q. And if Mr. Jackson says, "Don't let this
4 person in," will that person get into Neverland
5 Ranch?

6 A. No.

7 MR. MESEREAU: Objection; calls for
8 speculation.

9 THE COURT: Overruled. The answer is, "No."

10 Q. BY MR. AUCHINCLOSS: Now, during this time
11 in 2003, was Mr. Jackson still meeting with Frank on
12 about a daily basis?

13 MR. MESEREAU: Objection. Misstates the
14 evidence; move to strike; it's leading.

15 THE COURT: Assumes facts. I'll sustain the
16 objection.

17 MR. AUCHINCLOSS: Okay.

18 Q. When Mr. Jackson and Mr. Tyson -- well, let
19 me back up.

20 In early 2003, January, February, March
21 2003, where was Mr. Tyson living?

22 A. He was living -- he was at the video
23 library.

24 Q. At Neverland Ranch?

25 A. Yes, sir.

26 Q. He had his own bedroom there?

27 A. They had a bed upstairs, yes.

28 Q. And during that period of time in 2003, 4633

www.mjfacts.info

1 would you see Mr. Jackson and Mr. Tyson together?

2 MR. MESEREAU: Objection; asked and

3 answered.

4 THE COURT: Sustained.

5 THE WITNESS: Occasionally, yes.

6 Q. BY MR. AUCHINCLOSS: You would see them

7 together?

8 A. Yes.

9 Q. Did Mr. Tyson have an office set up at

10 Neverland Valley Ranch during that period of time?

11 A. Yes, he did.

12 Q. Where was his office?

13 A. It was in the video library.

14 Q. Was there anybody else who had an office in

15 the same area?

16 A. Yes. That was Vinnie.

17 Q. Who?

18 A. Vinnie.

19 Q. Vinnie?

20 A. Uh-huh.

21 Q. Who is Vinnie?

22 A. Vinnie was a friend of Frank Tyson. Or I

23 guess, I should say.

24 Q. Where was Vinnie living during that time?

25 A. He was living in the same area, same place.

26 Q. I show you grand jury exhibit -- or, sorry,

27 People's Exhibit No. 19. Can you identify that

28 photo? 4634

www.mjfacts.info

1 A. Yes, that's Vinnie.

2 Q. All right. Do you know what the office that
3 Vinnie and Frank had in the video library was being
4 used for? Do you know what they were using that
5 office for during that period of time?

6 A. No, I don't.

7 Q. That was in the house; is that true?

8 A. That was at the video library.

9 Q. Is that in the house?

10 A. That is outside the main house.

11 Q. Okay. And where is it?

12 A. That is above Mr. Jackson's office,
13 upstairs.

14 Q. Okay. So is that connected in some way by
15 any building to the main house?

16 A. Yes, they're all bonded together.

17 Q. They're all part of the same structure?

18 A. Right.

19 Q. And would Mr. Jackson go up into the video
20 library during that period of time, in early 2003?

21 A. I would say occasional.

22 Q. And why didn't you know what was going on up
23 there? Why didn't you know what Frank and Vinnie
24 were doing up there if you were the house manager?

25 MR. MESEREAU: Objection. Calls for
26 speculation; no foundation; leading.

27 THE COURT: Overruled.

28 You may answer. 4635

www.mjfacts.info

1 THE WITNESS: It wasn't my business to find
2 out what they were doing up there.

3 Q. BY MR. AUCHINCLOSS: Were you ever
4 discouraged from asking those kinds of questions?

5 MR. MESEREAU: Objection; leading.

6 THE COURT: Sustained.

7 THE WITNESS: Not really.

8 MR. MESEREAU: Withdraw the objection.

9 (Laughter.)

10 THE COURT: (To the jury) You know, we
11 are -- I think we're at a point where we'll stop,
12 because we have to take up a motion with the
13 attorneys before the end of the day. So I'll let
14 you go early. We'll see you on Monday morning at
15 8:30.

16 If you haven't seen the wildflower
17 displays -- I went out yesterday. It's really worth
18 seeing. Highway 58 out of -- up by Lake Santa
19 Margarita. If you go out on that, it's just carpets
20 and carpets of yellow and spotted with blue, and
21 it's just a nice way to relax. I recommend it.
22 Thanks. I'll see you -- remember next
23 Wednesday we're dark.

24 MR. AUCHINCLOSS: Mr. Salas? You come this
25 way.

26 THE WITNESS: Oh. Somebody needs to guide
27 me.

www.mjfacts.info

1 (The following proceedings were held in
2 open court outside the presence and hearing of the
3 jury:)

4

5 THE COURT: All right. Mr. Sanger, you had a
6 motion you wanted to make?

7 MR. SANGER: Yes, Your Honor. There's
8 actually two things. But the first is a motion
9 regarding prosecutorial misconduct, and the issue is
10 the admonishment by the prosecutors to their
11 witnesses to conform to the courts orders. In
12 particular, in this case, we have several witnesses,
13 Louise Palanker, who discussed her testimony with
14 Jamie Masada, and perhaps vice versa, but at least
15 there's clear evidence of that. We have Bill
16 Dickerman, who talked with Dr. Katz. We had Larry
17 Feldman, who talked with Mr. Dickerman and Dr. Katz.
18 And it is up to the parties who call the witnesses
19 to admonish them to conform to the courts orders.
20 The courts already admonished the
21 prosecution that they need to do that with regard to
22 the gag order and going outside and talking to the
23 press. That may have occurred, actually, since the
24 Court made that admonishment. But in particular, at
25 this point, I'm addressing the discussion of
26 testimony between witnesses who are witnesses called
27 by the prosecution.

28 The prosecutor has sufficient staff, 4637

www.mjfacts.info

1 including a witness coordinator, to take care of
2 this, sheriff's personnel and the D.A.s themselves.
3 It seems to be a consistent problem, and as a result
4 of that, I believe it rises to the level of
5 prosecutorial misconduct. It could be conveniently
6 forgotten, but it just couldn't be innocently
7 forgotten after all this time, and the repetition of
8 the -- of the misconduct on the part of the
9 witnesses that we've heard.

10 So I'd ask the Court to fashion an
11 appropriate remedy. Remedy number one, of course,
12 in any misconduct situation, prosecutorial
13 misconduct situation, is a mistrial. And depending
14 on how the Court rules on that, I have a proposed
15 curative instruction. But the Court would have to
16 rule on the first remedy before we get to that, I
17 believe.

18 I can go ahead and give the Court a quick
19 idea, because I don't want to spend unnecessary
20 time. If the Court denied the motion for mistrial,
21 I think a proper curative instruction is along the
22 lines of other instructions, that the Court can
23 advise the jury that witnesses called by a
24 particular party, in this case the prosecution, are
25 supposed to be admonished by the -- by the lawyers
26 calling them to conform to the courts order.
27 And if the jury finds that they have not

28 conformed to the courts orders particularly in this 4638

www.mjfacts.info

1 case, not to discuss their testimony with other
2 witnesses, that the jury can draw an adverse
3 inference from that as to the credibility of the
4 witnesses, and as to the strength of their
5 testimony. And that the jury, if they find that to
6 be true, can disregard the entire testimony of the
7 witness, unless the review of all the facts in the
8 case supports the testimony of that witness.

9 And that would be the alternative, but I
10 propose that only in the event that the Court denied
11 the motion for mistrial.

12 THE COURT: Counsel?

13 MR. SNEDDON: Well, first of all, Your
14 Honor, I don't think there's any evidence that they
15 were discussing their trial testimony. The
16 discussion was they had conversations. There's no
17 evidence at all that I can hear of that they talked
18 about -- about their trial testimony. And even in
19 the case of Palanker, she didn't discuss her trial
20 testimony. She discussed some observations about
21 the behavior of one of the lawyers in the courtroom.

22 And --

23 THE COURT: When did she do that?

24 MR. SNEDDON: I'm sorry?

25 THE COURT: When did she do that?

26 MR. SNEDDON: When Mr. Masada testified --
27 when counsel asked Mr. Masada, he was trying to get

28 him to say that she said something about the 4639

www.mjfacts.info

1 pathological liar thing, but she really didn't. She
2 really said something else. She said -- I don't
3 want to describe it again, but I can if you want me
4 to, about counsel's behavior, that he was --

5 THE COURT: Did she say that outside the
6 courtroom?

7 MR. SNEDDON: Yes, sir. It wasn't --

8 THE COURT: I don't -- I haven't watched
9 this --

10 MR. SNEDDON: No, no. Let me go back. I --

11 THE COURT: I'm missing something.

12 MR. SNEDDON: The whole thing -- these ought
13 to be put in writing, if there's a motion, and we
14 ought to be able to respond in writing. It would be
15 more efficient.

16 THE COURT: Let's do this. I think that's a
17 good way to do it. Why don't you put something in
18 writing for Monday morning, and --

19 MR. SANGER: My free time on the weekend
20 while I'm looking at the flowers?

21 THE COURT: Yes. If you want -- if you look
22 at the flowers, I'll give you till Tuesday.

23 (Laughter.)

24 MR. SANGER: There's an incentive. I'll do
25 both and try to get it for you on Monday, Your
26 Honor.

27 THE COURT: And then you'll have to respond

28 by Tuesday. 4640

www.mjfacts.info

1 MR. SANGER: Okay. The other matter --

2 THE COURT: Okay.

3 MR. SANGER: -- it was simply that we had
4 submitted, I believe, by remote control proposed
5 instructions on the 1108 and 1101, and I believe the
6 Court got it, although I was sitting here --

7 THE COURT: Yes, I did. I received it.

8 MR. SANGER: And I believe the prosecution
9 indicated they were relying on the straight CALJICs.

10 THE COURT: They showed me theirs. They
11 pulled -- did you show each other what you had given
12 me?

13 MR. SANGER: They served it.

14 MR. SNEDDON: I gave the clerk the copies of
15 the ones that we had given you, but they already had
16 a copy of those previous. They're the standard
17 1108, 1101 instructions.

18 THE COURT: The only reason I asked that is
19 there's a little more. You gave a couple of --
20 there's more than just the key instruction. There's
21 some others that may or may not be given. It gave a
22 package. And I'm not saying it's outside of the
23 framework, it's just -- there's a couple more -- I
24 just want to be sure everyone's looking at the same
25 instructions.

26 MR. SANGER: I do not know which
27 instructions they selected out. And we did serve

28 ours, I believe, on the prosecution. I'm sure we 4641

www.mjfacts.info

1 did.

2 THE COURT: Okay. Well, they can tell you
3 the numbers. They are CALJIC instructions.
4 Standard 1101, 1108. And that there were a couple
5 of additional ones that are connected to it. I'm
6 not saying they're not connected.

7 MR. SNEDDON: The burden of proof, yes, sir.

8 THE COURT: The burden of proof.

9 MR. SNEDDON: CALJIC says you have to give
10 that when you give that instruction, yes, sir.

11 THE COURT: And I think there was one other,
12 too.

13 MR. SNEDDON: Well, the standard of proof
14 upon -- I'll take care of it, Your Honor. There's
15 no use wasting the courts time with that.

16 THE COURT: What I thought we would do -- I
17 won't give any instructions until we've all had a
18 chance to discuss which ones should be given.

19 MR. SANGER: My understanding is the
20 prosecution is going to call their first 1108
21 witness on Monday. Obviously this witness will
22 still be going. So hopefully we'll have a chance to
23 take that up at the 9:45 break, or something.

24 THE COURT: We'll take it up before we call
25 1108 witnesses, so that --

26 MR. SANGER: Very well.

27 THE COURT: Because I want to do that.

28 MR. SANGER: Thank you, Your Honor. 4642

www.mjfacts.info

1 THE COURT: All right. We'll see you on

2 Monday.

3 (The proceedings adjourned at 2:30 p.m.)

4 --o0o--

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

www.mjfacts.info

www.mjfacts.info

1 REPORTER'S CERTIFICATE

2

3

4 THE PEOPLE OF THE STATE)

5 OF CALIFORNIA,)

6 Plaintiff,)

7 -vs-) No. 1133603

8 MICHAEL JOE JACKSON,)

9 Defendant.)

10

11

12 I, MICHELE MATTSON McNEIL, RPR, CRR,

13 CSR #3304, Official Court Reporter, do hereby

14 certify:

15 That the foregoing pages 4476 through 4643

16 contain a true and correct transcript of the

17 proceedings had in the within and above-entitled

18 matter as by me taken down in shorthand writing at

19 said proceedings on April 1, 2005, and thereafter

20 reduced to typewriting by computer-aided

21 transcription under my direction.

22 DATED: Santa Maria, California,

23 April 1, 2005.

24

25

26

27 MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

www.mjfacts.info

www.mjfacts.info

www.mjfacts.info